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## LEGISLATIVE HISTORY

Public Law 86-265  
S. 2457

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## INDEX AND SUMMARY OF S. 2457

- Jan. 20, 1959 Sen. Young, N. Dak., introduced S. 558 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- June 30, 1959 Rep. Andersen, Minn., introduced H. R. 8041 and Rep. Marshall introduced H. R. 8043 which were referred to the House Agriculture Committee. Print of bills as introduced.
- July 13, 1959 Sens. McCarthy and Humphrey introduced S. 2368 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- July 29, 1959 Rep. Hull introduced H. R. 8438 and Rep. Carnahan introduced H. R. 8443 which were referred to the House Agriculture Committee. Print of bills.
- Sen. Symington introduced and discussed S. 2457 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of Sen. Symington.
- Aug. 13, 1959 Senate committee voted to report S. 2457.
- Aug. 19, 1959 Senate committee reported S. 2457 without amendment. S. Report No. 745. Print of bill and report.
- House committee voted to report H. R. 8043.
- Aug. 24, 1959 Senate passed S. 2457 without amendment.
- House committee reported H. R. 8043 with amendments. H. Report No. 977. Print of bill and report.
- Aug. 31, 1959 House passed S. 2457 with amendment in lieu of H. R. 8043. H. R. 8043 laid on the table due to passage of S. 2457.
- Sept. 4, 1959 Senate concurred in House amendment to S. 2457.
- Sept. 14, 1959 Approved: Public Law 86-265.

**Hearing:** House Agriculture Committee, Miscellaneous Hearing, Serial DD, August 17, 1959.



## DIGEST OF PUBLIC LAW 86-265

SOIL BANK COMPENSATION FOR ERRONEOUS INFORMATION. Amends the Soil Bank Act so as to authorize the Secretary of Agriculture to compensate producers under the acreage reserve and conservation reserve program for actions not in conformity with the provisions of the program, or less favorable to the producer than would have been the case if it had been based on correct information, or based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval, or erroneous advice, determination, or computation of, an authorized representative of the Secretary. Provides that no past or future soil bank contract shall be modified, invalidated, or changed because of the marriage of any two contracting parties.







AN ACT TO

TO PROVIDE FOR THE

A BILL

TO PROVIDE FOR THE

1. To provide for the
2. To provide for the
3. To provide for the



86TH CONGRESS  
1ST SESSION

# S. 558

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## IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1959

Mr. YOUNG of North Dakota (for himself and Mr. LANGER) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To provide equitable treatment for producers applying for conservation reserve contracts on the basis of incorrect information furnished by the Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Soil Bank Act is amended by adding at the end  
4       thereof the following new section:

5       “CORRECTION OF INEQUITIES RESULTING FROM THE FUR-  
6       NISHING OF INACCURATE INFORMATION TO CONSERVA-  
7       TION RESERVE PROGRAM APPLICANTS

8       “SEC. 128. In any case in which the Secretary deter-  
9       mines that an applicant for a conservation reserve contract,  
10      by reason of his reliance in good faith on incorrect or incom-

1 plete information furnished to him by an authorized repre-  
2 sentative of the Secretary as to the priority to which his  
3 application would be entitled or as to other material matter,  
4 submitted an application which could not be accepted, the  
5 Secretary is authorized to enter into such conservation re-  
6 serve contract with such applicant as may be necessary to  
7 provide fair and equitable treatment to such applicant.  
8 Funds available for administering and carrying out the con-  
9 servation reserve program shall be available for entering  
10 into contracts under this section without regard to the re-  
11 striction contained in the second proviso under the heading  
12 'CONSERVATION RESERVATION PROGRAM' in the Depart-  
13 ment of Agriculture and Farm Credit Appropriation Act,  
14 1959."



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# A BILL

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To provide equitable treatment for producers applying for conservation reserve contracts on the basis of incorrect information furnished by the Government.

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By Mr. YOUNG of North Dakota and Mr.

LANGER

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JANUARY 20, 1959

Read twice and referred to the Committee on  
Agriculture and Forestry







86TH CONGRESS  
1ST SESSION

# H. R. 8041

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1959

Mr. ANDERSEN of Minnesota introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Agricultural Act of 1956.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That title I of the Agricultural Act of 1956 is amended by  
4       adding at the end thereof a new section as follows:  
5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary shall, in order to provide fair and equitable  
7       treatment, pay a producer compensation under the acreage  
8       reserve or conservation reserve program which he otherwise  
9       would not be entitled to receive because the contract, action,  
10      or conduct of the producer is not in conformity with the  
11      provisions of the program if it is established to the satisfac-

1 tion of the Secretary that the contract, action, or conduct  
2 of the producer was the result of relying in good faith on  
3 the erroneous approval of such contract, action, or conduct  
4 by, or on the erroneous advice, determination, or computa-  
5 tion of, an authorized representative of the Secretary.”

80TH CONGRESS  
1ST SESSION

H. R. 8041

## A BILL

To amend the Agricultural Act of 1956.

By Mr. ANDERSEN of Minnesota

JUNE 30, 1959

Referred to the Committee on Agriculture

86TH CONGRESS  
1ST SESSION

# H. R. 8043

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1959

Mr. MARSHALL introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Agricultural Act of 1956.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That title I of the Agricultural Act of 1956 is amended by  
4 adding at the end thereof a new section as follows:

5 “SEC. 128. Notwithstanding any other provision of law,  
6 the Secretary shall, in order to provide fair and equitable  
7 treatment, pay a producer compensation under the acreage  
8 reserve or conservation reserve program which he other-  
9 wise would not be entitled to receive because the contract,  
10 action, or conduct of the producer is not in conformity with  
11 the provisions of the program if it is established to the satis-

1 faction of the Secretary that the contract, action, or con-  
2 duct of the producer was the result of relying in good faith  
3 on the erroneous approval of such contract, action, or con-  
4 duct by, or on the erroneous advice, determination, or compu-  
5 tation of, an authorized representative of the Secretary.”

86TH CONGRESS  
1ST SESSION

H. R. 8043

## A BILL

To amend the Agricultural Act of 1956.

By Mr. MARSHALL

JUNE 30, 1959

Referred to the Committee on Agriculture







86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 2368

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 1959

Mr. McCARTHY (for himself and Mr. HUMPHREY) introduced the following bill;  
which was read twice and referred to the Committee on Agriculture and  
Forestry

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## A BILL

To amend the Agricultural Act of 1956.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That title I of the Agricultural Act of 1956 is amended by  
4       adding at the end thereof a new section as follows:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary shall, in order to provide fair and equitable  
7       treatment, pay a producer compensation under the acreage  
8       reserve or conservation reserve program which he other-  
9       wise would not be entitled to receive because the contract,  
10      action, or conduct of the producer is not in conformity with  
11      the provisions of the program if it is established to the satis-

1 faction of the Secretary that the contract, action, or con-  
2 duct of the producer was the result of relying in good faith  
3 on the erroneous approval of such contract, action, or con-  
4 duct by, or on the erroneous advice, determination, or com-  
5 putation of, an authorized representative of the Secretary.”

86TH CONGRESS  
1ST SESSION  
**S. 2368**

# **A BILL**

To amend the Agricultural Act of 1956.

By Mr. McCARTHY and Mr. HUMPHREY

JULY 13, 1959

Read twice and referred to the Committee on  
Agriculture and Forestry





86TH CONGRESS  
1ST SESSION

# H. R. 8438

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1959

Mr. HULL introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Soil Bank Act is amended by adding at the end  
4       thereof the following new section:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary may, to the extent he deems it desirable in  
7       order to provide fair and equitable treatment, pay a pro-  
8       ducer compensation under the acreage reserve or conserva-  
9       tion reserve program which he otherwise would not be en-

1 titled to receive because the contract, application therefor,  
2 action, or conduct of the producer is—

3 “(1) not in conformity with the provisions of the  
4 program; or

5 “(2) less favorable to the producer than would have  
6 been the case if it had been based on correct information;  
7 or

8 “(3) based on an understanding that payment  
9 would be forthcoming in an amount in excess of that  
10 permitted by the program

11 if it is established to the satisfaction of the Secretary that  
12 the contract, application, action, or conduct of the producer  
13 was the result of relying in good faith on the erroneous  
14 approval of such contract, application, action, or conduct by,  
15 or on the erroneous advice, determination, or computation of,  
16 an authorized representative of the Secretary.”





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## A BILL

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To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

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By Mr. HULL

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JULY 29, 1959

Referred to the Committee on Agriculture

86TH CONGRESS  
1ST SESSION

# H. R. 8443

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1959

MR. CARNAHAN introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Soil Bank Act is amended by adding at the end  
4       thereof the following new section:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary may, to the extent he deems it desirable in  
7       order to provide fair and equitable treatment, pay a pro-  
8       ducer compensation under the acreage reserve or conserva-  
9       tion reserve program which he otherwise would not be en-

1 titled to receive because the contract, application therefor,  
2 action, or conduct of the producer is—

3 “(1) not in conformity with the provisions of the  
4 program, or

5 “(2) less favorable to the producer than would  
6 have been the case if it had been based on correct in-  
7 formation, or

8 “(3) based on an understanding that payment  
9 would be forthcoming in an amount in excess of that per-  
10 mitted by the program

11 if it is established to the satisfaction of the Secretary that  
12 the contract, application, action, or conduct of the producer  
13 was the result of relying in good faith on the erroneous ap-  
14 proval of such contract, application, action, or conduct by, or  
15 on the erroneous advice, determination, or computation of,  
16 an authorized representative of the Secretary.”



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# A BILL

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To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

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By Mr. CARNAHAN

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JULY 29, 1959

Referred to the Committee on Agriculture

86TH CONGRESS  
1ST SESSION

# S. 2457

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 1959

Mr. SYMINGTON introduced the following bill ; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Soil Bank Act is amended by adding at the end  
4       thereof the following new section:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary may, to the extent he deems it desirable in  
7       order to provide fair and equitable treatment, pay a pro-  
8       ducer compensation under the acreage reserve or conserva-  
9       tion reserve program which he otherwise would not be en-

1 titled to receive because the contract, application therefor,  
2 action, or conduct of the producer is—

3 “(1) not in conformity with the provisions of the  
4 program, or

5 “(2) less favorable to the producer than would  
6 have been the case if it had been based on correct in-  
7 formation, or

8 “(3) based on an understanding that payment  
9 would be forthcoming in an amount in excess of that  
10 permitted by the program

11 if it is established to the satisfaction of the Secretary that  
12 the contract, application, action, or conduct of the producer  
13 was the result of relying in good faith on the erroneous ap-  
14 proval of such contract, application, action, or conduct by,  
15 or on the erroneous advice, determination, or computation  
16 of, an authorized representative of the Secretary.”



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# **A BILL**

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To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

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By Mr. SYMINGTON

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JULY 29, 1959

Read twice and referred to the Committee on  
Agriculture and Forestry



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 86<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 105

WASHINGTON, WEDNESDAY, JULY 29, 1959

No. 128

## Senate

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in the constant struggle we wage with ourselves give us to know, we pray Thee, that that inner battle is being won when we bring a smile to the face of a little child, or added serenity to the look of those we love, or share another's burden, or bless another with our friendship.

May we be heartened that the angels of our better selves are winning when we help to end some wrong and to enthrone some right, and when we do this in a faith which discerns the unseen and eternal behind the seen and temporal, and when our life is radiant with a hope which accepts no present defeat as final, but assumes ultimate victory for every righteous cause.

So may we throw the stubborn ounces of our influence on the side of the power which swings the stars in their courses and which in all the universe works for righteousness. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., July 29, 1959.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EVERETT M. DIRKSEN, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

CARL HAYDEN,  
President pro tempore.

Mr. DIRKSEN thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 28, 1959, was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6596) to encour-

age and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. POWELL, Mr. EDMONDSON, Mr. SAYLOR, and Mr. WHARTON were appointed managers on the part of the House at the conference.

### COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Housing Subcommittee of the Committee on Banking and Currency was authorized to meet during the session of the Senate today.

### LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of other routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agri-

culture, Washington, D.C., reporting, pursuant to law, on agreements concluded during June 1959, under title I of the Agricultural Trade Development and Assistance Act of 1954, with the Governments of the Republic of China (Taiwan), the Polish People's Republic, Argentina, and the Republic of Korea (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON PURCHASES AND CONTRACTS FOR PROPERTY OR SERVICES COVERING EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on the purchases and contracts for property or services covering experimental, developmental, and research work (with an accompanying report); to the Committee on Armed Services.

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work, for the month of May 1959 (with an accompanying report); to the Committee on Banking and Currency.

### HELIUM ACT OF 1959

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and the general welfare of the United States (with an accompanying paper); to the Committee on Interior and Insular Affairs.

APPLICATION OF MERCHANT MARINE ACT OF 1936 TO FUNCTIONS OF CERTAIN FISHING VESSELS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

### ADMISSION OF DISPLACED PERSONS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Chow Ging Song from a report transmitted to the Senate on April 15, 1958, pursuant to section 4 of the Displaced Persons Act of 1948,



as amended, (with accompanying papers); to the Committee on the Judiciary.

MINUTES OF CONVENTION AND AUDITOR'S REPORT OF VETERANS OF WORLD WAR I

A letter from the National Commander, Veterans of World War I of the U.S.A., Inc., Washington, D.C., transmitting, pursuant to law, a copy of the minutes of the last convention of that organization, together with the auditor's report, for the fiscal year ended August 31, 1958 (with accompanying papers); to the Committee on the Judiciary.

RESOLUTION OF TOWN BOARD OF ISLIP, N.Y.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Town Board of the Town of Islip, N.Y., relating to a deduction, for income tax purposes, of the commuting and traveling expenses of the workman to and from his employment.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION SUPPORTING PROPOSED AMENDMENT TO INTERNAL REVENUE CODE

"Whereas the Honorable KENNETH B. KEATING, Senator from the State of New York, has proposed certain amendments to the Federal Income Revenue Code which would provide for the deduction from income tax of the commuting and traveling expenses of the workman to and from his employment; and

"Whereas it is the desire of the Town Board of the Town of Islip that Senator KEATING and our other Representatives in Congress be made aware of our support for his proposed amendment: Now, therefore, on a motion of Councilman Greenberg, seconded by Councilman Hammer, it was

"Resolved, That the town clerk of this board be and hereby is authorized and directed to write to Senator KEATING urging him to continue his fight for amendments to the Internal Revenue Code which would permit the commuters and the workman to deduct for income tax purposes their expenses for driving to and from work; and be it further

"Resolved, That the town clerk of this board send copies of this resolution to Senator KEATING and our other Representatives in the U.S. Congress urging them to support Senator KEATING's proposed amendment and to do all in their power to bring about passage of said amendment; and be it further

"Resolved, That copies of this resolution be forwarded to our representatives in the State legislature with a view toward their submitting proposed legislation at the next session of the New York State Legislature, providing for similar amendments applicable to the New York State income tax laws."

STATE OF NEW YORK,  
County of Suffolk, ss:

I, Frank A. Gross, town clerk of the Town of Islip, Suffolk County, N.Y., do hereby certify that I have compared the foregoing with the original preamble and resolution adopted by the town board of the Town of Islip at a regular meeting of said board held on the 14th day of July 1959, and that the foregoing is a true and correct transcript from said original resolution and the whole thereof, and that the resolution adopted by said board is on file in my office.

I do further certify that each member of said town board had due notice of said meeting.

In witness whereof, I have hereunto set my hand and the seal of the Town of Islip this 16th day of July 1959.

FRANK A. GROSS,  
Town Clerk.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,  
The following favorable reports of nominations were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

One hundred and seventy-two nominations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 2457. A bill to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government; to the Committee on Agriculture and Forestry. (See the remarks of Mr. SYMINGTON when he introduced above bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 2458. A bill to require warnings for the protection of children on certain plastic bags shipped in interstate commerce; to the Committee on Interstate and Foreign Commerce. (See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 2459. A bill to amend title II of the Social Security Act so as to preserve the insurance rights under such title of individuals who, because of disability, have lost at least 60 percent of their earning capacity; to the Committee on Finance.

By Mr. MURRAY (for himself, Mr. ANDERSON, Mr. NEUBERGER, Mr. DOUGLAS, Mr. MOSS, Mr. MANSFIELD, Mr. KEFAUVER, Mr. RANDOLPH, Mr. LANGER, Mr. McNAMARA, Mr. GRUENING, Mr. MCCARTHY, Mr. GREEN, Mr. ENGLE, Mr. BIBLE, Mr. BYRD of West Virginia, and Mr. HART):

S. 2460. A bill to save and preserve, for the public use and benefit, certain portions of shoreline areas of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks by Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina:

S. 2461. A bill to amend the Federal Employees' Group Life Insurance Act of 1954; to the Committee on Post Office and Civil Service.

RESOLUTION

Mr. AIKEN submitted a resolution (S. Res. 151) to authorize a study of transportation problems in rural areas, which was referred to the Committee on Interstate and Foreign Commerce.

(See the above resolution printed in full when submitted by Mr. AIKEN, which appears under a separate heading.)

FAIR AND EQUITABLE TREATMENT FOR FARMERS IN THE SOIL BANK PROGRAM

Mr. SYMINGTON. Mr. President, I introduce, for appropriate reference, a bill to provide fair and equitable treatment to farmers who, in good faith and on the basis of information given them by representatives of the Secretary of Agriculture, participated in the acreage or conservation reserve program; but who were subsequently declared inelig-

ible for reimbursement or compensation because of technical errors in the information, terms, or contracts given them by representatives of the Secretary of Agriculture.

These farmers are the innocent victims of misinformation on the part of agents or employees of the Government. They complied in good faith with the contracts and regulations as presented to them.

It is not just, therefore, that the contract signed by the producers and their Government should be invalidated and that the farmers should receive less compensation, or be penalized for errors, on the part of their Government.

Mr. President, on receipt of letters and pleas from Missouri farmers who were victims of this situation, I contacted officials in the Commodity Stabilization Service, Department of Agriculture, responsible for the administration of the acreage and conservation reserve programs. These Department officials agreed that inequities and hardship exist. However, they state that Department rules and regulations prevent remedial action in a majority of the cases.

Therefore, I asked the Department of Agriculture to work with the counsel of the Senate Agriculture Committee in preparing legislation to effect fair and just treatment, and to prepare a memorandum giving typical examples of the cases to which this legislation is directed.

Mr. President, I ask unanimous consent that a letter from Assistant Secretary Marvin McLain to Mr. Harker Stanton, counsel of the Senate Agriculture Committee, and the accompanying memorandum be inserted in the RECORD at this point.

There being no objection, the letter and accompanying memorandum were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., May 15, 1959.

Mr. HARKER T. STANTON,  
Counsel, Agriculture and Forestry Committee, U.S. Senate.

DEAR Mr. STANTON: In accordance with your recent request by telephone, there is transmitted a draft of legislation to amend the Soil Bank Act to provide authority for handling certain cases that cannot be considered under present law and examples of some of the types of actual cases which could be considered under the authority of such an amendment. While it is possible that upon further legal study some of the cases given in these examples could be handled under present law, the draft legislation would serve to remove any doubt.

This material is being submitted as a drafting service and involves no commitment as to the position of the Department with regard to such legislation.

Sincerely yours,

MARVIN L. McLAIN,  
Assistant Secretary.

EXAMPLES OF TYPES OF HARDSHIP CASES UNDER THE SOIL BANK PROGRAM THAT HAVE RESULTED BECAUSE ERRONEOUS INFORMATION WAS GIVEN TO A PRODUCER BY A REPRESENTATIVE OF THE SECRETARY

1. A producer was given erroneous information by a representative of the county committee concerning the number of eligible acres on the farm. The producer went to the county office and requested the number of eligible acres on his farm and asked if he could hold out one field which had been



seeded to grass to graze his sheep. He was told that the entire 700 acres was eligible and that he could not set aside any part of such acreage if he desired to enter into a whole-farm contract.

The producer submitted a whole-farm application on the basis of 700 eligible acres. Because of the \$5,000 limitation, his bid was necessarily based on \$7.10 per acre, which was \$5,000 divided by 700 acres (reduced to next lowest multiple of 10 cents). This was the maximum that could be earned. He was told his application was acceptable; and he agreed to enter into a contract at the maximum rate of \$7.10 per acre, which would permit him to earn approximately \$5,000.

The reporter came to the farm and again told the producer that the farm contained 700 acres of eligible land. After the reporter left the farm, he discovered that one field containing 100 acres was ineligible because it was pastureland. The farmer was not told about this until time to approve the contract, and at that time it was too late to submit another bid. Therefore, the contract had to be based on 600 acres of eligible land at a maximum rate of \$7.10 per acre.

This error resulted in the acceptance of a contract paying much less than \$5,000; whereas, if correct information had been timely given, the producer would have been permitted to submit a bid that would have made him eligible to earn the full \$5,000, which he had agreed upon when first making application.

2. The producer indicated his desire to participate in the soil bank conservation reserve program and a soil bank base was established for his farm. The county office personnel, through error, included an acreage of a non soil-bank base crop in establishing the farm soil bank base for the farm. This resulted in a larger soil bank base and permitted acreage of soil bank base crops of the farm than should have been established. The producer entered into the contract and complied with the incorrect permitted acreage of soil bank base crops which was furnished him in 1957 and 1958. The error was discovered by an auditor in 1958, but the producer was not notified of such error and was not given an opportunity to dispose of the excess acreage of soil bank base crops in 1958. This resulted in an excess of soil bank base crop acreage in 1957 and 1958 above the permitted acreage of soil bank base crops for the farm.

Because of this error, the producer would be required to refund, or forfeit, annual and cost-share payments paid, or payable, for the years 1957 and 1958.

3. The producer signed a whole-farm application to participate in the soil bank conservation reserve program. The county committee, in error, entered into a contract with the producer for only a part of the farm, which was on a basis different than that on which the application was submitted. The contract was approved by the county committee on a part-farm basis, and in accordance with the approved contract, the producer established a tree cover on the designated acreage.

In this case the county committee had no authority to enter into a contract on a basis other than that on which the application for contract was submitted. Therefore, since the contract was unauthorized, there is no authority for making cost-share payments to the producer for the practice he established in good faith.

4. A producer signed a part-farm application indicating his desire to participate in the soil bank conservation reserve program. Upon measurement of the designated acreage, it was found that the acreage designated on the application covered all of the eligible land on the farm. The county committee entered into a contract with the producer at an annual payment rate applicable to a whole-farm contract rather than a part-

farm. The producer established the practice on the basis of the approved contract.

The county committee had no authority to enter into a contract with the producer on a basis other than that on which the application was submitted. Because of this error, no contract is in effect, and cost-share payments cannot be paid to the producer for establishment of the practice.

5. Producer farms two separate tracts of land which at one time were operated as two separate farms but are now operated as one farm and are constituted on the county office records as one individual farm. The producer indicated his desire to participate in the soil bank conservation reserve program and signed an application for a whole-farm contract. He was thinking of the two tracts as separate farms and intended to place all of the eligible land of one of the tracts in the program. This error was not discovered until it was too late for the producer to sign a part-farm application. Therefore, the county committee notified the producer that his application was ineligible because he submitted an application for a whole-farm when it should have been an application for a part-farm contract.

As a result of this error, no application for contract can be accepted.

6. Producer entered into soil bank conservation reserve and contract was approved. Practice approvals were issued by the county committee in error authorizing the use of fertilizers, seeds, etc., in amounts in excess of the maximum provided in the practice specifications. The farmer, in good faith, applied the amount of material or seeds as shown on the practice approval but cannot receive cost-share payments for materials used in excess of the maximum provided in the specifications.

Because of such error, the farmer has, in good faith, used materials or seeds for which he cannot receive cost-share assistance.

7. Producer participated in the soil bank 1958 corn acreage reserve program and complied with provisions of his agreement other than the harvesting of soil bank base crops. The producer harvested a crop of oats for ensilage and such acreage was in excess of the permitted acreage of soil bank base crops for the farm. Producer contends that misinformation was given to him with regard to a classification of soil bank base crops and that because of such information he was of the opinion that the harvesting of oats for silage would not be included as a soil bank base crop. The information given to the producer provided that oats harvested constituted a small-grain crop and, therefore, would be classified as a soil bank base crop. However, the same notice provided that annual grasses harvested for hay or ensilage are non-soil-bank base crops. The producer contends that misinformation was given and that the oats placed in the silo should not be considered as a soil bank base crop according to the notice received.

Since the oats were classified as a soil bank base crop and the acreage of such crop was in excess of the permitted acreage of the farm, the producer would be required to forfeit or refund all compensation payable under the agreement.

8. Five brothers, operating as a partnership, entered into a 1958 corn acreage reserve agreement placing an acreage in the program in excess of 300 acres. Such acreage, if otherwise eligible and without maximum payment limitations, would compute compensation under the program approximating \$14,000. The agreement, when first executed and approved by the county committee, was signed by one of the brothers as a partner. The producers state, and it has been confirmed by the county office personnel, that they were assured that they would be eligible to comply on the entire acreage and would be eligible to receive maximum compensation as indicated on the agreement, which was approximately \$14,000. Later in the year,

the producers executed a revised agreement showing the same number of acres to be entered in the program and the same amount of compensation payable, but the revised agreement was signed by each of the brothers claiming 20 percent of the total compensation as individual producers. This revised agreement was also approved by the county committee. Record reveals that the producers did comply with the full amount of the acreage entered in the program with the erroneous assurance that they would be eligible to receive the full compensation.

A partnership is considered as one producer; therefore, payment under this agreement is limited to the maximum of \$3,000.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the bill to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2457) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government, introduced by Mr. SYMINGTON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section:*

"Sec. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—

"(1) not in conformity with the provisions of the program, or

"(2) less favorable to the producer than would have been the case if it had been based on correct information, or

"(3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program

if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

#### WARNINGS FOR PROTECTION OF CHILDREN ON CERTAIN PLASTIC BAGS

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to prohibit the shipment in interstate commerce of certain plastic bags, that may be hazardous to children, which do not contain plainly visible warnings indicating the danger of suffocation to children.

Headlines such as "Plastic Bag Stifles Baby" and "Thin Bag of Death" appear daily in newspapers and magazines in different parts of this country. The accidental death of infants by suffocation



under plastic garment bags is the cause of much concern to health authorities, drycleaning shops and, above all, American parents.

According to the U.S. Public Health Service, these bags have caused more than 50 deaths since 1957; 44 of the victims have been infants who playfully pulled the empty bags, often used as mattress or pillow covers, over their heads. The National Safety Council has predicted that such deaths would rise to 100 before the end of the year.

The time has definitely come to take Federal action to insure the protection of children against this household peril. The bill which I am introducing today would require that plastic bags which may be hazardous to children and which are shipped in interstate commerce have printed on them a warning in large red capital letters, including the words: "Danger: Keep out of reach of children; destroy immediately after use."

Violators of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to not more than a year's imprisonment and/or a fine of not more than \$1,000.

The Secretary of Commerce shall determine the sizes and types of plastic bags that may be hazardous to children under this act, and he shall prescribe and publish in the Federal Register standards and regulations which he deems necessary to carry out the purpose of the act.

In conclusion, Mr. President, I ask unanimous consent that an article on this subject which appeared in the August 1959 issue of Consumer Reports entitled "Deadly Toy," be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 2458) to require warnings for the protection of children on certain plastic bags shipped in interstate commerce, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The article presented by Mr. HUMPHREY is as follows:

#### DEADLY TOY

Caution: Care should be taken that children under 6 years of age do not have these bags for playthings. Older children should follow directions as to their use. Do not place over heads.

Just before this issue of Consumer Reports went to press, a subscriber mailed in the plastic clothes bag shown in the photograph—a bag printed over with a false face and blue-and-black Union Soldier's costume. The bag thus had been turned into a child's toy—even though stapled to it was the printed warning which the plastics industry has been widely publicizing in recent weeks. The bag had been delivered by a Maryland dry cleaner to the CU member's home on June 10, a good 2 months after the Nation was shocked awake to the fact that more than 50 children had died of suffocation inside the thin, very pliable film of which such bags as these are made.

Upon receipt of the reader's letter, CU immediately got in touch with:

The dry cleaner in question, who reported that he had 50,000 costume bags on hand

and stood to lose \$250 on them if he did not use them.

The National Institute of Dry Cleaning, which promised immediate action. The Institute got hold of the dry cleaner in question, and he and his local associates gave assurances that no more toy bags would be delivered.

Dr. James Goddard, chief of the Accident Prevention Bureau of the U.S. Department of Health, who reported that, although most of the children who had been killed by such bags had been under 2 years of age, even an older child—say, one of 10 or more—wearing a plastic-bag costume might lose consciousness in active play before he realized what was happening. (Teenagers, CU learned, have taken to playing a new game with the bags; they rival each other as to the length of time spent in a bag before "chickening out" or losing consciousness.)

The Society of the Plastics Industry, Inc., which has launched a campaign, through newspapers and television, warning parents against letting children have the bags. The Society said it had not heard of the practice of making toy costumes out of the bags until CU called the fact to its attention.

CU urges that readers call local public health officers to request: (1) the issuance minimally of a regulation prohibiting the distribution of any plastic bag designed or printed so as to suggest use as a toy—and even, perhaps, of all such thin plastic bags, printed or not; and (2) the imposition of a heavy fine for violations of that order, once issued.

#### PRESERVATION OF CERTAIN SHORELINE AREAS

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill to launch a Federal program to save some of our sea and lake shores for public use and enjoyment.

I am joined in the introduction of this measure by a large group of Senators, including Mr. ANDERSON, Mr. NEUBERGER, Mr. DOUGLAS, Mr. MOSS, Mr. MANSFIELD, Mr. KEFAUVER, Mr. RANDOLPH, Mr. LANGER, Mr. McNAMARA, Mr. GRUENING, Mr. MCCARTHY, Mr. GREEN, Mr. ENGLE, Mr. BIBLE, Mr. BYRD of West Virginia, and Mr. HART.

I ask unanimous consent that the measure lie on the desk until tomorrow evening, for other Senators to cosponsor it if they desire.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Montana.

The bill (S. 2460) to save and preserve, for the public use and benefit, certain portions of shoreline areas of the United States, and for other purposes, introduced by Mr. MURRAY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. MURRAY. Mr. President, this measure has been referred to among the sponsors as the SOS or the "Save our shorelines" bill.

The bill proposes three steps by the Federal Government.

First, it authorizes the acquisition of ten shoreline recreation areas located on the Atlantic, the Pacific, the Gulf and the Great Lakes.

Second, it directs the Park Service to study and report to us on ten additional areas suggested for Federal acquisition.

Finally, it authorizes the appropriation of \$10 million as required from year to year for assistance to the States in acquiring shore areas for public use.

Mr. President, when I came to the Senate in 1934 the Interior Department was just completing a report on the need to preserve Atlantic and Gulf shore areas for public use. The report was made January 2, 1935. It recommended the acquisition of 12 shore areas of which the Government has acquired only a part of one. The report estimated that the cost of acquiring 602,000 acres, including a little over 400 miles of ocean front, would be \$12 million. The cost of a similar program today would be so staggering that few would give it serious consideration. In the 25 years since the original report was issued, hundreds of miles of shore have been subdivided, and prices for shoreline land have skyrocketed by 2,000 and 3,000 percent.

In 1935 there was a magnificent 70-mile stretch of ocean beach on the Delaware-Maryland eastern shore which could have been acquired for \$2 a front foot. Most of this stretch is beyond preservation today. It has already been subdivided and developed. Two minor State areas have been reserved and there is a small wildlife refuge on the southern tip. The few remaining lots available are now for sale at \$60 per foot of ocean front, an increase in price of 2900 percent.

In another instance an ocean front area which could have been acquired at \$9,000 per mile in 1935 is now priced at \$110,000 per mile.

There are those today who will say that this bill is another spending bill; that it should be defeated in the interests of economy. This is the most foolish sort of economy. Those who blocked purchase of shorelines recreational areas in 1935 have only succeeded in forcing the Nation to accept a lesser program at an enormously increased cost. If the need is not met by this Congress, it will have to be met a few years from now. Prices then will inevitably be many times higher than the prices at which the needed property could be acquired now. It is my hope that this Congress will put an end to the enormously costly and foolish economy of postponing necessary expenditures and authorize a shorelines program which will begin to meet the public need, as should have been done in 1935.

Several days ago I introduced in the Senate the joint resolution (S.J. Res. 119) which would authorize a national conference on the problem presented by increases in hard core unemployment. Because of automation and increased productivity of labor, we are not providing enough new jobs for all persons who need work, nor for many of the new entrants into the labor force. We are confronted with another adjustment in the number of hours worked, and in basic employment policy. We are going to have to adjust the workweek, move forward retirement age, lengthen vaca-







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

*Aug.*

Issued April 14, 1959

For actions of April 13, 1959

86th-1st, No. 138

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HIGHLIGHTS: Senate committee voted to report bills to authorize sale of CCC feed in emergency areas, and to permit harvesting of hay on conservation reserve acreage. Committee authorized to report these bills during week-end adjournment. House committee authorized to file reports during weekend on bills to extend Public Law 480 and to establish food stamp plan. Senate committee reported bills to extend International Wheat Agreement, to express sense of Senate on GAO decision relative to certain REA loans, and to provide salt water research laboratory. House subcommittee voted to report bill to permit harvesting of hay on conservation reserve acreage. Senate received USDA proposed bills to provide additional Public Law 313 (Highlights cont'd on p. 6)

## SENATE

1. SOIL BANK; FEED. The Agriculture and Forestry Committee voted to report (but did not actually report) ~~S. 2323, to authorize the Secretary to permit the harvesting of hay on conservation reserve acreage in drought areas; S. 2504, to authorize the sale at market prices of CCC feed for livestock in areas determined to be emergency areas; and S. 2457, to authorize the compensation of producers under the Soil Bank for actions taken based on incorrect information by authorized representatives of the Secretary (p. D760).~~ At the request of Sen. Mundt the Committee was authorized to report these bills during the week-end adjournment of the Senate (p. 14409).
2. WHEAT; ELECTRIFICATION. The Agriculture and Forestry Committee reported with amendment S. 2449, to extend the International Wheat Agreement Act of 1949

(S. Rept. 704), and S. Res. 21, expressing it as the sense of the Senate that the Rural Electrification Act should be interpreted so as to permit REA loans to cooperatives for service to persons who are without central-station service if they are located in an area generally served by a power supplier, or loans to persons without service who are located near a line of a power supplier (S. Rept. 703). p. 14404

The Interstate and Foreign Commerce Committee reported without amendment S. 2264, to prohibit abandonment of power facilities and services without the consent of the FPC (S. Rept. 718). p. 14404

3. FISH AND WILDLIFE; RESEARCH. The Interstate and Foreign Commerce Committee reported S. 1576, without amendment, to provide for the construction of a salt water research laboratory at Seattle, Wash. (S. Rept. 717); H. R. 5854, without amendment, to clarify a provision of the Black Bass Act relating to the interstate transportation of fish to require that such fish must have been taken lawfully (S. Rept. 705); S. 1262, with amendment, to establish a research program to determine means of improving the conservation of game fish in dam reservoirs (S. Rept. 707); S. 1575, with amendment to authorize continued studies on the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife (S. Rept. 708); and S. 2086, with amendment, to provide for the establishment of a National Wildlife Disease Laboratory (S. Rept. 709). p. 14404

4. PERSONNEL. Received from this Department a proposed bill to amend the Federal Employees Salary Increase Act of 1958 so as to authorize for this Department 41 additional scientific or professional positions subject to the provisions of Public Law 313, 80th Congress, at salaries not to exceed \$19,000; to Post Office and Civil Service Committee. p. 14404

Received from the Civil Service Commission a proposed bill "To improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950"; to Post Office and Civil Service Committee. p. 14404

A subcommittee of the D. C. Committee voted to report H. R. 4283, to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to provide that under certain conditions officers of the executive branch of the Federal Government appointed by the President shall be exempt from such act. p. D761

5. ELECTRIFICATION; BUDGETING. Received from this Department a proposed bill "To amend the Rural Electrification Act to provide a revolving fund for certain loans by the Secretary of Agriculture for improved budget and accounting procedures"; to Agriculture and Forestry Committee. p. 14404

6. CONSERVATION. By a vote of 47 to 45, passed as reported S. 812, to authorize the establishment of a Youth Conservation Corps for the conservation and development of our natural resources. pp. 14423-4, 14425-51

7. HOUSING. The Banking and Currency Committee reported without amendment a new housing bill, S. 2539 (S. Rept. 715) (p. 14405); the committee had voted to report the bill earlier (p. D 761). Agreed to a unanimous-consent request by Sen. Johnson to debate the bill on Mon., Aug. 17 (pp. 14458-60). Sens. Neuberger, Johnson, and others discussed the wisdom of attempting to override the President's veto of S. 57, the housing bill (pp. 14412-4).

8. WEATHER. The Interstate and Foreign Commerce Committee reported without amendment S. 2483, to provide more flexibility in the performance of certain functions of the Coast and Geodetic Survey and the Weather Bureau, including authorization for the Secretary of Commerce to pay extra compensation to







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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86th-1st, No. 142

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HIGHLIGHTS; Both Houses agreed to conference report on supplemental appropriation bill. Senate passed bills to: Permit harvesting of hay on conservation reserve acreage in drought areas; exempt durum wheat from allotments and quotas. House committee voted to report industrial-uses research bill and bill to permit harvesting of hay on conservation reserve acreage in drought areas. House Rules Committee tabled motion to clear food stamp bill. House debated bill to extend Public Law 480. Sen. Symington inserted excerpts of testimony on submission of draft of farm bill by Secretary. Sens. Ellender and Aiken introduced bill to establish revolving fund for REA loans.

## SENATE

1. SUPPLEMENTAL APPROPRIATION BILL, 1960. Both Houses agreed to the conference report on this bill, H. R. 7978, and acted on amendments in disagreement (pp. 15004-10, 15033-9). This bill will now be sent to the President. Agreed to an amendment to provide \$1,000,000 (instead of \$5,000,000 as proposed by the Senate) for forest access roads. Agreed to an amendment to provide \$3,000,000 (instead of \$3,650,000 as proposed by the Senate) to the Office of Civil and Defense Mobilization for allocation to Federal agencies for civil defense and defense mobilization functions. (See Digest 141 for other items of interest to the Department).

2. SOIL BANK. The Agriculture and Forestry Committee reported without amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank



for actions based on erroneous information furnished by authorized representatives of the Secretary (S. Rept. 745). p. 14941

Passed without amendment S. 2323, to authorize the harvesting of hay on conservation reserve acreage in areas determined by the Secretary to be disaster areas. p. 14983

3. COMMITTEE EXPENDITURES. The Rules and Administration Committee reported without amendment S. Res. 161, to provide \$15,000 in additional funds for investigations by the Agriculture and Forestry Committee (S. Rept. 739). The report of the Agriculture and Forestry Committee on this resolution states as follows: "The committee is presently studying the Commodity Credit Corporation and related matters and field investigations may be required. Extensive hearings also may be required on proposed changes in the farm program. Increased funds will be necessary to complete these investigations, studies, and hearings."
4. WHEAT. Passed as reported S. 623, to provide a 2-year extension of the existing provision for a minimum durum wheat acreage allotment of 8,000 acres in the Tulalake area of California. p. 14970. (This bill, as introduced, would have exempted the producers in the area from all acreage restrictions on durum wheat permanently).  
Passed over, at the request of Sen. Keating, S. 2449, to extend the International Wheat Agreement. p. 14980
5. FOOD STAMPS; SURPLUS COMMODITIES. Passed over, at the request of Sen. Keating, S. 2522, to provide for the enrichment and sanitary packaging of certain donated commodities, and to establish experimental food stamp allotment programs. p. 14971
6. ELECTRIFICATION. Passed without amendment S. 2263, to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act (p. 14983). The bill raises the exemption limit for such projects from 100 to 2,000 horsepower capacity.  
Passed over, at the request of Sen. Engle, S. Res. 21, expressing the sense of the Senate concerning the making of certain loans by REA. p. 14980  
Passed without amendment S. 2264, to amend the Federal Power Act to prohibit abandonment of facilities and service without the consent of the Federal Power Commission. p. 14983
7. PUBLIC BUILDINGS. Passed over, at the request of Sen. Engle, S. 1654, to grant GSA additional authority for the construction, alteration, and acquisition of public buildings of the Federal Government. p. 14979
8. DISASTER RELIEF. Passed over, at the request of Sen. Hart, S. 2504, to authorize the sale at market prices of agricultural commodities owned by the CCC to provide feed for livestock in areas determined to be emergency areas. p. 14983
9. FARM PROGRAM. Sen. Symington inserted excerpts from the testimony of the Secretary before the Agriculture and Forestry Committee with "bracketed inserts of the language as it appeared after it had been edited in the Department of Agriculture" to bolster his charge that the Secretary "promised to submit in legal language an omnibus farm bill," and a newspaper editorial urging that this material be inserted in the Record. pp. 14945-6  
Sen. Bush inserted a letter to the editor from a college professor urging that the Government "stop paying subsidies for farm products and use the savings to reduce taxes." p. 14962



Aug 11, 1959

24. SCIENTIFIC AWARDS. Passed with amendments H. R. 6288, to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences. pp. 15030-1
25. SMALL BUSINESS. The Banking and Currency Committee reported without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000 (H. Rept. 946). p. 15033
26. PUBLIC BUILDINGS. Rep. Huddleston commended the GSA for using bituminous coal for the heating of Government buildings. p. 15068
27. RECLAMATION. Rep. Hagen commended the conferees for including funds in the supplemental appropriation bill for loans for construction of an irrigation distribution system in Tulare County, Calif. pp. 15068-9
28. MONOPOLIES. Rep. Patman inserted an article on the danger of monopolies, including a statement that big dairy plants are "moving swiftly toward control of the entire dairy industry." p. 15078
29. WATER RESOURCES. The Judiciary Committee reported with amendment H. R. 5711, to grant the consent of Congress to the Wabash Valley compact (H. Rept. 948). p. 15080
30. FOOD STAMPS. The "Daily Digest" states that the Rules Committee tabled a motion to grant a rule on H. R. 1359, to provide for the establishment of a food stamp plan for the distribution of \$1 billion worth of surplus food commodities a year to needy persons and families in the U. S. p. D795
31. THE AGRICULTURE COMMITTEE voted to report (but did not actually report) the following bills with amendment: ~~H. R. 8639, "to create an Agricultural Research and Development Commission" (industrial uses research bill); H. R. 8578, to permit the harvesting of hay on conservation reserve acreage under certain conditions; H. R. 4374, to provide for preserving wheat acreage history on farms on which the farm marketing excess is adjusted to zero because of under-production; and H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval.~~ p. D794
32. RESEARCH. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources; and H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters; and the "Daily Digest" states that the committee re-referred to subcommittee H. R. 5814, to provide for cooperative unit programs of fish and wildlife resources research and demonstration between the Federal Government of the U. S., colleges, the several States and private organizations. p. D795

#### ITEMS IN APPENDIX

33. STATEHOOD. Rep. Porter inserted an editorial discussing why Puerto Rico "does not want to be a State." pp. A7156-8
34. FARM LABOR. Extension of remarks of Sen. Williams, N. J., inserting several articles discussing the economic and social problems of migrant laborers with special reference to the migratory workers in Maryland. pp. A7158-9, A7162

35. ELECTRIFICATION; RECLAMATION. Extension of remarks of Sen. Gruening inserting an address by Harold Moats, Corps of Engineers, favoring the proposed construction of a dam at Rampart on the Yukon. pp. A7159-60

Extension of remarks of Rep. Ullman expressing his opposition to private development of the Middle Snake River and inserting an editorial on this subject. p. A7180

36. CONSERVATION. Extension of remarks of Sen. Williams, N. J., favoring the proposed Youth Conservation Corps bill and inserting an article, "Revived CCC Might Do Great Job." p. A7165

37. CIVIL DEFENSE. Extension of remarks of Sen. Young inserting an editorial, "Parkinson's Law," and stating that he believes the editorial "presents convincingly the waste of taxpayers' money on an ever-increasing futile bureaucracy which will only perpetuate the already useless and inept Office of Civil and Defense Mobilization." pp. A7173-4

38. DEBT MANAGEMENT. Extension of remarks of Rep. Curtis, Mo., expressing his "regret" that no action has been taken on the legislative recommendation of the President designed to provide for economical management of the public debt. p. A7179

#### BILLS INTRODUCED

39. SURPLUS COMMODITIES. H. R. 8730, by Rep. Dent, and H. R. 8736, by Rep. Holland, to provide for the donation of surplus commodities to the States for distribution to needy persons; to Agriculture Committee.

40. PERSONNEL. H. R. 8729, by Rep. Chelf, to amend sections 111 and 1114 of title 18, United States Code; to Judiciary Committee.

H. R. 8738, by Rep. Murray, and H. R. 8739, by Rep. Rees, Kan., to improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950; to Post Office and Civil Service Committee.

41. REA; ELECTRIFICATION. S. 2563, by Sen. Ellender (for himself and Sen. Aiken) (by request), to amend the Rural Electrification Act to provide a revolving fund for certain loans by the Secretary of Agriculture, for improved budget and accounting procedures; to Agriculture and Forestry Committee.

#### BILLS APPROVED BY THE PRESIDENT

42. SPECIAL MILK. S. 1289, to increase by \$6 million (to \$81,000,000) for the fiscal year 1960 and by \$9 million (to \$84,000,000) for the fiscal year 1961 the maximum amount of CCC funds which may be used for the special milk program. Approved August 18, 1959 (Public Law 86-163, 86th Congress).

43. ACREAGE ALLOTMENTS; COTTON. S. 1455, to provide that beginning with the 1960 crop, the entire current farm allotment shall be regarded as planted if during the current year or either one of the two preceding years the acreage actually planted or devoted to the commodity on the farm (or regarded as planted because of participation in the soil bank) was 75 percent or more of the farm allotment, and to authorize the transfer of unused cotton acreage allotments to other farms, first within each county, and then within the State. Approved August 18, 1959 (Public Law 86-172, 86th Congress).



EQUITABLE TREATMENT FOR PRODUCERS UNDER THE  
SOIL BANK ACT

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AUGUST 19 (legislative day, AUGUST 18), 1959.—Ordered to be printed

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Mr. SYMINGTON, from the Committee on Agriculture and Forestry,  
submitted the following

## R E P O R T

[To accompany S. 2457]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2457) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would permit the Secretary to pay producers under the Soil Bank Act such amounts as are demanded by equity and fairness in cases where errors were caused by the county committees or other Department representatives. A letter from the Department of Agriculture transmitting a draft of the bill and examples of the types of hardship cases covered by it is attached hereto as exhibit A. The bill as introduced and reported varies from the draft bill only in that it includes clarifying language suggested by the committee staff and cleared informally with the Department.

The committee had before it three bills to correct errors under the soil bank program in order to prevent hardships, S. 558, introduced by Senators Young and Langer; S. 2368 introduced by Senators McCarthy and Humphrey; and S. 2457, introduced by Senator Symington. S. 2368 and S. 2457 are identical in purpose. The report of the Department of Agriculture recommending enactment of S. 2457 is attached as exhibit B.

## EXHIBIT A

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., May 15, 1959.

Mr. HARKER T. STANTON,  
*Counsel, Agriculture and Forestry Committee,*  
*U.S. Senate.*

DEAR MR. STANTON: In accordance with your recent request by telephone, there is transmitted a draft of legislation to amend the Soil Bank Act to provide authority for handling certain cases that cannot be considered under present law and examples of some of the types of actual cases which could be considered under the authority of such an amendment. While it is possible that upon further legal study some of the cases given in these examples could be handled under present law, the draft legislation would serve to remove any doubt.

This material is being submitted as a drafting service and involves no commitment as to the position of the Department with regard to such legislation.

Sincerely yours,

MARVIN L. McLAIN,  
*Assistant Secretary.*

EXAMPLES OF TYPES OF HARDSHIP CASES UNDER THE SOIL BANK  
PROGRAM THAT HAVE RESULTED BECAUSE ERRONEOUS INFORMATION  
WAS GIVEN TO A PRODUCER BY A REPRESENTATIVE OF THE  
SECRETARY

1. A producer was given erroneous information by a representative of the county committee concerning the number of eligible acres on the farm. The producer went to the county office and requested the number of eligible acres on his farm and asked if he could hold out one field which had been seeded to grass to graze his sheep. He was told that the entire 700 acres was eligible and that he could not set aside any part of such acreage if he desired to enter into a whole-farm contract.

The producer submitted a whole-farm application on the basis of 700 eligible acres. Because of the \$5,000 limitation, his bid was necessarily based on \$7.10 per acre, which was \$5,000 divided by 700 acres (reduced to next lowest multiple of 10 cents). This was the maximum that could be earned. He was told his application was acceptable; and he agreed to enter into a contract at the maximum rate of \$7.10 per acre, which would permit him to earn approximately \$5,000.

The reporter came to the farm and again told the producer that the farm contained 700 acres of eligible land. After the reporter left the farm, he discovered that one field containing 100 acres was ineligible because it was pastureland. The farmer was not told about this until time to approve the contract, and at that time it was too late to submit another bid. Therefore, the contract had to be based on 600 acres of eligible land at a maximum rate of \$7.10 per acre.

The error resulted in the acceptance of a contract paying much less than \$5,000; whereas, if correct information had been timely given, the producer would have been permitted to submit a bid that would have made him eligible to earn the full \$5,000, which he had agreed upon when first making application.

2. The producer indicated his desire to participate in the soil bank conservation reserve program and a soil bank base was established for his farm. The county office personnel, through error, included an acreage of a non-soil-bank base crop in establishing the farm soil bank base for the farm. This resulted in a larger soil bank base and permitted acreage of soil bank base crops of the farm than should have been established. The producer entered into the contract and complied with the incorrect permitted acreage of soil bank base crops which was furnished him in 1957 and 1958. The error was discovered by an auditor in 1958, but the producer was not notified of such error and was not given an opportunity to dispose of the excess acreage of soil bank base crops in 1958. This resulted in an excess of soil bank base crop acreage in 1957 and 1958 above the permitted acreage of soil bank base crops for the farm.

Because of this error, the producer would be required to refund, or forfeit, annual and cost-share payments paid, or payable, for the years 1957 and 1958.

3. The producer signed a whole-farm application to participate in the soil bank conservation reserve program. The county committee, in error, entered into a contract with the producer for only a part of the farm, which was on a basis different than that on which the application was submitted. The contract was approved by the county committee on a part-farm basis, and in accordance with the approved contract, the producer established a tree cover on the designated acreage.

In this case the county committee had no authority to enter into a contract on a basis other than that on which the application for contract was submitted. Therefore, since the contract was unauthorized, there is no authority for making cost-share payments to the producer for the practice he established in good faith.

4. A producer signed a part-farm application indicating his desire to participate in the soil bank conservation reserve program. Upon measurement of the designated acreage, it was found that the acreage designated on the application covered all of the eligible land on the farm. The county committee entered into a contract with the producer at an annual payment rate applicable to a farm. The producer established the practice on the basis of the approved contract.

The county committee had no authority to enter into a contract with the producer on a basis other than that on which the application was submitted. Because of the error, no contract is in effect, and cost-share payments cannot be paid to the producer for establishment of the practice.

5. Producer farms two separate tracts of land which at one time were operated as two separate farms but are now operated as one farm and are constituted on the county office records as one individual farm. The producer indicated his desire to participate in the soil bank conservation reserve program and signed an application for a whole-farm contract. He was thinking of the two tracts as separate farms and intended to place all of the eligible land of one of the tracts in the program. This error was not discovered until it was too late for the producer to sign a part-farm application. Therefore, the county committee notified the producer that his application was ineligible because he submitted an application for a whole-farm when it should have been an application for a part-farm contract.

As a result of this error, no application for contract can be accepted.



6. Producer entered into soil bank conservation reserve and contract was approved. Practice approvals were issued by the county committee in error authorizing the use of fertilizers, seeds, etc., in amounts in excess of the maximum provided in the practice specifications. The farmer, in good faith, applied the amount of material or seeds as shown on the practice approval but cannot receive cost-share payments for materials used in excess of the maximum provided in the specifications.

Because of such error, the farmer has, in good faith, used materials or seeds for which he cannot receive cost-share assistance.

7. Producer participated in the soil bank 1958 corn acreage reserve program and complied with provisions of his agreement other than the harvesting of soil bank base crops. The producer harvested a crop of oats for ensilage and such acreage was in excess of the permitted acreage of soil bank base crops for the farm. Producer contends that misinformation was given to him with regard to a classification of soil bank base crops and that because of such information he was of the opinion that the harvesting of oats for silage would not be included as a soil bank base crop. The information given to the producer provided that oats harvested constituted a small-grain crop and, therefore, would be classified as a soil bank base crop. However, the same notice provided that annual grasses harvested for hay or ensilage are non-soil-bank base crops. The producer contends that misinformation was given and that the oats placed in the silo should not be considered as a soil bank base crop according to the notice received.

Since the oats were classified as a soil bank base crop and the acreage of such crop was in excess of the permitted acreage of the farm, the producer would be required to forfeit or refund all compensation payable under the agreement.

8. Five brothers, operating as a partnership, entered into a 1958 corn acreage reserve agreement placing an acreage in the program in excess of 300 acres. Such acreage, if otherwise eligible and without maximum payment limitations, would compute compensation under the program approximating \$14,000. The agreement, when first executed and approved by the county committee, was signed by one of the brothers as a partner. The producers state, and it has been confirmed by the county office personnel, that they were assured that they would be eligible to comply on the entire acreage and would be eligible to receive maximum compensation as indicated on the agreement, which was approximately \$14,000. Later in the year, the producers executed a revised agreement showing the same number of acres to be entered in the program and the same amount of compensation payable, but the revised agreement was signed by each of the brothers claiming 20 percent of the total compensation as individual producers. This revised agreement was also approved by the county committee. Record reveals that the producers did comply with the full amount of the acreage entered in the program with the erroneous assurance that they would be eligible to receive the full compensation.

A partnership is considered as one producer; therefore, payment under this agreement is limited to the maximum of \$3,000.

## EXHIBIT B

DEPARTMENT OF AGRICULTURE,  
*Washington, D.C., August 14, 1959.*

HON. ALLEN J. ELLENDER,  
*Chairman, Committee on Agriculture and Forestry,  
U.S. Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request of July 30, 1959, for a report on S. 2457, a bill to amend title I of the Agricultural Act of 1956, the Soil Bank Act, by adding at the end thereof a new section as follows:

"SEC. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—'(1) not in conformity with the provisions of the program, or (2) less favorable to the producer than would have been the case if it had been based on correct information, or (3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary.'"

This Department recommends the enactment of this bill.

This bill will provide the Secretary with discretionary authority to alleviate hardship in such cases where the producer acted in good faith to fulfill the terms of a contract or application under the acreage reserve or conservation reserve programs and one or more of the conditions enumerated in this bill estopped the producer from receiving compensation.

A survey would be required to develop an accurate estimate of funds required for claims coming under this legislation. However, it is thought that such claims should not exceed \$50,000 annually.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON, *Acting Secretary.*





Calendar No. 756

86TH CONGRESS  
1ST SESSION

**S. 2457**

[Report No. 745]

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IN THE SENATE OF THE UNITED STATES

JULY 29, 1959

Mr. SYMINGTON (for himself, Mr. HUMPHREY, Mr. LANGER, Mr. MCCARTHY, and Mr. YOUNG of North Dakota) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

AUGUST 19 (legislative day, AUGUST 18), 1959

Reported by Mr. SYMINGTON, without amendment

---

**A BILL**

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Soil Bank Act is amended by adding at the end  
4       thereof the following new section:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary may, to the extent he deems it desirable in  
7       order to provide fair and equitable treatment, pay a pro-  
8       ducer compensation under the acreage reserve or conserva-  
9       tion reserve program which he otherwise would not be en-



1 titled to receive because the contract, application therefor,  
2 action, or conduct of the producer is—

3 “(1) not in conformity with the provisions of the  
4 program, or

5 “(2) less favorable to the producer than would  
6 have been the case if it had been based on correct in-  
7 formation, or

8 “(3) based on an understanding that payment  
9 would be forthcoming in an amount in excess of that  
10 permitted by the program

11 if it is established to the satisfaction of the Secretary that  
12 the contract, application, action, or conduct of the producer  
13 was the result of relying in good faith on the erroneous ap-  
14 proval of such contract, application, action, or conduct by,  
15 or on the erroneous advice, determination, or computation  
16 of, an authorized representative of the Secretary.”





86TH CONGRESS  
1ST SESSION

S. 2457

[Report No. 745]

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# A BILL

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To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

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By Mr. SYMLINGTON, Mr. HUMPHREY, Mr. LANGER, Mr. MCCARTHY, and Mr. YOUNG of North Dakota

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JULY 29, 1959

Read twice and referred to the Committee on Agriculture and Forestry

AUGUST 19 (legislative day, AUGUST 18), 1959  
Reported without amendment





# Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued Aug. 25, 1959

For actions of Aug. 24, 1959

86th-1st, No. 145

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HIGHLIGHTS: Senate passed bill to provide compensation under Soil Bank to producers for actions based on incorrect information; House committee reported similar bill. Sen. Church urged expansion of Public Law 480 program. Rep. McIntire introduced bill to establish revolving fund for REA loans.

## SENATE

1. SOIL BANK. Passed without amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary. p. 15385
2. FARM PROGRAM. Sen. Church criticized the administration's farm program, stated that "flexible price supports, expansion of markets, streamlined administration, freedom to plant, soil bank, and all" has been a "monumental failure", and urged expansion of Public Law 480 programs as a means of disposing of surplus commodities. pp. 15411-4



3. BANKING. Passed without amendment H. R. 8159, to amend the national banking laws to clarify or eliminate ambiguities, repeal obsolete provisions (including provisions for national agricultural credit corporations), etc. This bill will now be sent to the President. pp. 15398-9

Passed as reported H. R. 8160, to liberalize in several respects the limitations on borrowing and lending by national banks (see Digest 124 for a summary of the bill as passed by the House). Sen. Robertson explained that the only amendment of the Senate to the bill "would amend an existing provision which makes the limit on loans to one borrower 25 percent of capital and surplus instead of 10 percent, if the loan is in the form of notes secured by U. S. obligations. The amendment would delete the words 'in the form of notes,' so that obligations secured in this way would have the benefit of the 25 percent figure, instead of the usual 10 percent." pp. 15399-400

4. SCIENCE; RESEARCH. Passed without amendment H. R. 8284, to amend the National Science Foundation Act of 1950 so as to provide increased efficiency of operation and to clarify the Foundations's authority regarding grants, contracts, or fellowships, improved scientific training, etc. (pp. 15384-5) This bill will now be sent to the President. A similar bill, S. 2468, was indefinitely postponed.
5. MINERALS. Passed as reported S. 2181, to amend the Mineral Leasing Act of 1920, so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions. pp. 15386-8
6. WATER RESOURCES. Passed as reported S. 1257, to grant the consent and approval of Congress to the Wabash Valley Compact. pp. 15388-90
7. COLOR ADDITIVES. Agreed to the committee amendments to S. 2197, to amend the Federal Food, Drug, and Cosmetic Act so as to authorize the use of color additives in or on foods, drugs, and cosmetics in accordance with regulations prescribing conditions under which such additives may be safely used (pp. 15394-7). The "Daily Digest" states that the bill was passed as reported (p. D814).
8. CLAIMS. Passed as reported H. R. 6000, to amend title 28 of the U. S. Code so as to increase the limit for administrative settlement of claims against the U. S. under the tort claims procedure from \$1000 to \$2500 (as passed by the House the limit would have been increased to \$2000). p. 15397
9. INTERGOVERNMENTAL RELATIONS; FREIGHT FORWARDERS. Passed over, at the request of Sen. Keating, H. R. 6904, to establish an Advisory Commission on Intergovernmental Relations (p. 15384) and H. R. 5067, to repeal Sec. 217 of the Merchant Marine Act of 1936, which section has been interpreted by some to mean that Government agencies are still required to use the services of freight forwarders for overseas shipments (p. 15386).
10. CONSERVATION. Sen. Neuberger commended Sen. Murray for his "outstanding leadership" in the field of conservation of natural resources. p. 15407
11. PERSONNEL. Sen. Gruening urged enactment of legislation to provide a health insurance program for retired Federal employees. p. 15376

Aug. 24, 1959

12. PUBLIC LANDS; WILDLIFE. The Judiciary Committee reported without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses or burros on public lands (S. Rept. 802). p. 15358
13. ACCOUNTING; ALLOTMENTS. Received from this Department a report on the obligation of an allotment under the school lunch program. p. 15357
14. APPROPRIATIONS. Received from the President a supplemental appropriation estimate for various agencies (does not include any estimate for this Department). p. 15357
15. WATERSHEDS. Both Houses received from the Budget Bureau a report on plans for works of improvement on the following watersheds: Blackberry River and N. Branch Park River, Conn., Taylor Creek, Fla., Potato Creek, Ga., Crab Orchard Creek, Ky., East Fork of Clarks River, Ky. and Tenn., SuAsCo, Mass., Bowman-Spring Branch, Nebr., Santa Cruz River, N. Mex., Willakenzie area, Ore., Green-Dreher, Pa., and Caney Creek, Tex.; to S. Agriculture and Forestry and H. Agriculture Committees; and Caney-Coon Creek, Okla.; to Public Works Committees. pp. 15357, 15468
16. FOREIGN TRADE. Received from the Commerce Department a report on export control for the second quarter of 1959. p. 15357

HOUSE

17. SMALL BUSINESS. Passed without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000. pp. 15419-23
18. VEHICLES. Began debate on H. R. 1341, to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards. pp. 15424-46
19. MINERALS; LANDS. Debated H. Con. Res. 177, declaring the sense of Congress on the depressed domestic mining and mineral industries affecting public and other lands. (pp. 15423-4, 15446-58). The resolution providing for the consideration of this measure was adopted earlier in the day (pp. 15423-4).
20. LANDS. The Agriculture Committee reported without amendment S. 1453, to authorize this Department to sell a tract of Forest Service land to Keosauqua, Iowa (H. Rept. 965); S. 1521, to provide for the removal of the restriction on use with respect to a certain tract of land in Cumberland County, Tenn. (H. Rept. 966); and with amendment H. R. 6669, to provide that the Louisiana State University may use certain real property heretofore conveyed to it for general educational purposes (H. Rept. 976). pp. 15468-9
21. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4279, to construct and maintain the lower Rio Grande rehabilitation project, Texas (H. Rept. 971), and without amendment H. R. 4952, to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands (H. Rept. 973). pp. 15468-9



22. WHEAT. The Agriculture Committee reported without amendment H. R. 4874, to provide for preserving wheat acreage history on farms on which the farm marketing excess is adjusted to zero because of underproduction (H. Rept. 972). pp. 15468-9
23. RESEARCH; FISHERIES. The Merchant Marine and Fisheries Committee reported with amendment H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters (H. Rept. 974); and without amendment H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources (H. Rept. 975). p. 15469
24. SOIL BANK. The Agriculture Committee reported with amendments H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval (H. Rept. 977). p. 15469
25. AGRICULTURAL ATTACHES. The Agriculture Committee reported without amendment H. R. 8074, to permit the assignment of agricultural attaches to duty in the U. S. for a maximum of four years without reduction in grade (H. Rept. 978). p. 15469
26. TARIFFS; EXHIBITS. The Ways and Means Committee reported with amendment H. R. 6249, to liberalize the tariff laws for works of art and other exhibition material (H. Rept. 984). p. 15469
27. PERSONNEL. The report of the House Post Office and Civil Service Committee in reporting S. 2162, to provide an employee health insurance program, summarizes the major provisions of the bill as follows:

"The reported bill makes basic and catastrophic health protection available to approximately 2 million Federal employees and their dependents. Employees will have free choice among health benefits plans in four major categories, including (1) a Government-wide service benefit plan, such as is offered by Blue Cross-Blue Shield, (2) a Government-wide indemnity benefit plan, such as is currently offered by several insurance companies, (3) one of several employee organization plans, such as the present health plans of the National Association of Letter Carriers and the National Federation of Post Office Clerks, and (4) a comprehensive medical plan, which may be either a group-practice prepayment plan (such as the Kaiser Foundation plan in California and the Group Health Association plan in Washington, D.C.) or an individual-practice prepayment plan (such as the Group Health Insurance plan in New York). The Government-wide service benefit plan and the Government-wide indemnity benefit plan each will include at least two levels of benefits.

"The reported bill retains the provisions of the Senate-passed bill (1) providing for 50 percent contribution by the Government to subscription charges and (2) establishing biweekly maximum contributions of \$1.75 for an individual employee, \$4.25 for an employee and family, and \$2.50 for a female employee and family including a non-dependent husband.



The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection Senate bill 2468 will be indefinitely postponed.

#### EQUITABLE TREATMENT FOR PRODUCERS PARTICIPATING IN THE SOIL BANK PROGRAM

The bill (S. 2457) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Soil Bank Act is amended by adding at the end thereof the following new section:

"SEC. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a produce compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—

"(1) not in conformity with the provisions of the program, or

"(2) less favorable to the producer than would have been the case if it had been based on correct information, or

"(3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program

if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

#### EDUCATIONAL BENEFITS FOR CHILDREN OF SPANISH-AMERICAN WAR VETERANS

The Senate proceeded to consider the bill (H.R. 2773) to amend section 1701 of title 38, United States Code, to provide the same educational benefits for children of Spanish-American War veterans who died of a service-connected disability as are provided for children of veterans of World War I, World War II, and the Korean conflict, which had been reported from the Committee on Labor and Public Welfare, with an amendment on page 1, after line 6, to insert a new section, as follows:

SEC. 2. In the case of any individual who is an eligible person within the meaning of section 1701(a)(1) of title 38, United States Code, solely by virtue of the amendments made by this Act, and who has reached his eighteenth birthday but has not reached his twenty-third birthday on the date of enactment of this Act, the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual

until the expiration of the five-year period which begins on the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ASSISTANCE IN ACQUIRING SPECIALLY ADAPTED HOUSING TO CERTAIN VETERANS

The Senate proceeded to consider the bill (H.R. 7373) to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing to certain veterans seriously disabled during a period of war, which had been reported from the Committee on Labor and Public Welfare with an amendment, on page 1, after line 4, to strike out:

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service connected disability due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veterans' disability, and necessary land therefor. If a veteran is entitled to compensation under chapter 11 based on service during a period of war (as defined for the purposes of chapter 11) for permanent and total service connected disability, which includes (1) blindness in both eyes, having only light perception, plus (2) loss or loss of use of one lower extremity, and such permanent and total disability is such as to preclude locomotion without the aid of a wheelchair, the Administrator is authorized, under such regulations as he may prescribe, to assist the veteran in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

And, in lieu thereof, to insert:

§ 801. Veterans eligible for assistance

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

(1) due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) which includes (A) blindness in both eyes, having only light perception, plus (B) loss or loss of use of one lower extremity, and such permanent and total disability is such as to preclude locomotion without the aid of a wheelchair,

in acquiring a suitable housing unit with special fixtures or movable facilities made

necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing to an additional group of severely disabled veterans."

#### ELWOOD R. QUESADA

The Senate proceeded to consider the bill (S. 2500) to authorize the President to reappoint Elwood R. Quesada, formerly lieutenant general, U.S. Air Force, retired, to the grade of major general and to retire him in the grade of lieutenant general, and for other purposes, which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding any other law, the President alone is authorized to appoint Elwood R. Quesada, formerly a retired lieutenant general U.S. Air Force, to the grade of lieutenant general on the retired list of the Regular Air Force, with the pay, allowances, emoluments, perquisites, rights, privileges, and benefits of an officer of his grade and length of service who was on that retired list on May 31, 1958. No pay, allowances, or other benefits shall become due as a result of the enactment of this act for any period before the effective date of his appointment under this act.

SEC. 2. The effective date of the appointment authorized by this act is the day after Elwood R. Quesada ceases to hold office as Administrator of the Federal Aviation Agency, or the day before the death of Elwood R. Quesada, whichever is earlier.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the appointment of Elwood R. Quesada to the retired list of the Regular Air Force, and for other purposes."

#### EXTENSION OF APPLICATION OF MOTORBOAT ACT OF 1940

The bill (S. 1712) to extend the application of the Motorboat Act of 1940, to certain possessions of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (c) of section 6 of the Federal Boating



Act of 1958, approved September 2, 1958 (72 Stat. 1754), is amended to read as follows:

(c) Such Act of April 25, 1940 (46 U.S.C. 526-526t), is further amended by adding at the end thereof the following new section:

"Sec. 22. (a) This Act shall apply to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

"(b) As used in this Act—

"The term 'State' means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia."

#### BILL PASSED OVER

The bill (H.R. 5067) to repeal section 217 of the Merchant Marine Act, 1936, as amended, was announced as next in order.

Mr. KEATING. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

#### SOUTH FORK OF SOUTH BRANCH OF CHICAGO RIVER

The bill (H.R. 7948) to declare unnavigable a part of the west arm of the South Fork of the South Branch of the Chicago River in the city of Chicago, Ill., was considered, ordered to a third reading, read the third time, and passed.

#### EXCHANGE OF CERTAIN LANDS IN EVERGLADES CITY, FLA.

The Senate proceeded to consider the bill (S. 2390) to authorize the exchange of certain lands in or in the vicinity of Everglades City, Fla., in furtherance of the administration and use of the Everglades National Park, and to add certain donated lands to such park, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, after line 14, to strike out:

SEC. 2. The Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Fla. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easement and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.

And, on page 3, at the beginning of line 10, to change the section number from "3" to "2", so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in or-*

der to further the administration and use of the Everglades National Park, the Secretary of the Interior is authorized to accept on behalf of the United States title to the following described parcels of land:

Those parts of tracts "R" and "S" which lie west of the right-of-way of State Road Numbered 29, and lots 1 to 9, inclusive, of block 40, in Everglades City, Florida, comprising 18.98, 1.32, and 3.17 acres, respectively, as shown on N.P.S. Map No. EVERNP-E-1, dated June 23, 1959, of Everglades City, Florida; and not to exceed 15 acres of submerged lands lying adjacent to said tracts "R" and "S", if such additional lands are considered necessary by the Secretary of the Interior to permit full utilization of the lands above described;

and, in exchange for such parcels of land, to convey to the owner or owners thereof all right, title, and interest of the United States in and to the following described parcels of land within the Everglades National Park:

Tract "L" and block 34, comprising 9.09 and 1.65 acres, respectively, lying in or in the vicinity of Everglades City, Florida.

SEC. 2. All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of this Act shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

Mr. HOLLAND. Mr. President, I should like to explain to the Senate that last year when we passed the bill limiting the Everglades National Park, part of it approved a grant by private owners to the Park Service of a site for a western headquarters building in Everglades City. Since that time the Park Service has decided that it prefers another site, also in Everglades City, a small town. The owners of the second tract, who were also the owners of the first tract, are perfectly willing to convey it, provided the first tract is conveyed back.

The new tract is bigger than the old, and the Park Service thinks it would be more convenient for its use. The bill, as amended, provides solely for the exchange of these two tracts.

This morning I noted in the Miami News an article calling attention to the large number of people who are visiting the Everglades National Park. Last year's total attendance was 443,000 and this year it will go over half a million. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami News, Aug. 20, 1959]

#### TOURISTS SWAMP EVERGLADES

Attendance at the Everglades National Park may top the half-million mark this year.

More than 350,000 people have visited the famous Florida park so far this year, with July recording the largest increase in attendance yet.

July visitors numbered 34,404—an increase of 3,802 over the previous month, and an increase of 2,162 over July of last year. Last year's total attendance was 443,263.

"It seems to be following a trend," said Clifford Senni, assistant chief ranger. "The attendance increases every year. In 1949 there was only 94,927 visitors."

Senni also noted that the number of campers in the park have increased. "Visitors are pouring in year round now," said Senni, "not just in the winter."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the exchange of certain lands in or in the vicinity of Everglades City, Fla., in furtherance of the administration and use of the Everglades National Park."

#### BILL PASSED OVER

The bill (H.R. 4576) to suspend for a temporary period the duty on book bindings and covers imported by certain institutions was announced as next in order.

Mr. BARTLETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

#### AMENDMENT OF MINERAL LEASING ACT OF FEBRUARY 25, 1920

The Senate proceeded to consider the bill (S. 2181) to amend the Mineral Leasing Act of February 25, 1920, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, after the enacting clause, to strike out:

That this Act may be cited as the "Mineral Leasing Act Amendments of 1959".

SEC. 2. Section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 226), is amended to read as follows:

"SEC. 17. All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary of the Interior. When the lands to be leased are within any known geological structure of a producing oil or gas field, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations, in units of not exceeding six hundred and forty acres, which shall be as nearly compact in form as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease. When the lands to be leased are not within any known geological structure of a producing oil or gas field, the person first making application for the lease who is qualified to hold a lease under this Act shall be entitled to a lease of such lands without competitive bidding. Such leases shall be conditioned upon the payment by the lessee of a royalty of 12½ per centum in amount or value of the production removed or sold from the lease. Leases issued under this section shall be for a primary term of ten years and shall continue so long thereafter as oil or gas is produced in paying quantities: *Provided*, That a noncompetitive lease issued under this section for land on which drilling operations are being conducted at the end of said primary term of such lease shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

"Any lease issued under this Act which is subject to termination by reason of cessation of production shall not terminate if within sixty days after production ceases, reworking or drilling operations are commenced on the land under lease and are thereafter conducted with reasonable dili-



## EQUITY UNDER SOIL BANK CONTRACTS

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AUGUST 24, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. COOLEY, from the Committee on Agriculture, submitted the following

### REPORT

[To accompany H.R. 8043]

The Committee on Agriculture, to whom was referred the bill (H.R. 8043) to amend the Agricultural Act of 1956, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, line 5, following the word "Secretary" insert:

, nor shall any contract heretofore or hereafter entered into be modified, invalidated, or changed because of the marriage of any two contracting parties

#### PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of Agriculture to "provide fair and equitable treatment" to a farmer who has contracted to place land in the soil bank program but is not entitled to payment "because the contract, action, or conduct of the producer is not in conformity with the provisions of the program if it is established to the satisfaction of the Secretary that the contract, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, action, or conduct by or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

#### NEED FOR THE LEGISLATION

There have come to the attention of the committee several instances where producers who have signed a contract to place land in the soil bank, which was prepared and approved by the local county com-

mittee, and have carried out that contract in every detail are later ruled ineligible to receive payment because either the contract or their actions thereunder are not in strict conformity with the provisions of the program. In the instances referred to, the producer has relied on the interpretation of regulations made by the local county committee or some other representative of the Secretary, has contracted in good faith on the basis of such interpretations, and has carried out his part of the contract.

Although these instances are not numerous, the inequity of each individual situation is so serious that the committee believes the U.S. Government should have no part in it. The placing of acreage in the conservation reserve usually entails a major change in land operation involving the planting of trees or the establishment of permanent pasture on the land involved. Where a producer has entered into a contract to do this and has carried out his part of the bargain, it is grossly inequitable that the Secretary should, at some later date, be able to repudiate the action of his agents in drawing up and signing the contract and penalize the producer by withholding from him, and perhaps claiming from him, payments which are due or have been made under the contract.

#### COST OF THE BILL

The Department of Agriculture estimates that the total cost of the payments which will be made as the result of this bill will probably not exceed \$50,000 annually.

#### COMMITTEE AMENDMENT

During consideration of the bill, the committee's attention was drawn to another type of situation under the soil bank program which is similar to but not covered specifically by the language of the bill as introduced. This is the situation where a man and woman, both owning farms which have land in the conservation reserve, enter into a marriage contract which changes their status as individuals and may, because of their changed individual status, bring them into conflict with some of the regulations governing soil bank contracts and operations. Again, the committee believes that it is the kind of inequity to which the Government should be no party and that it would be unfair to change, modify, or invalidate the benefits each individual was entitled to receive under the soil bank contract if the conditions on the part of the producer are otherwise fulfilled. It has included language to cover this situation.

#### DEPARTMENTAL APPROVAL

Following is a letter from the Department of Agriculture reporting on an identical bill (H.R. 8041) and recommending enactment of the legislation.

DEPARTMENT OF AGRICULTURE,  
*Washington, D.C., August 11, 1959.*

HON. HAROLD D. COOLEY,  
*Chairman, Committee on Agriculture,  
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of July 17, 1959, for a report on H.R. 8041, a bill to amend title I of the Agricultural Act of 1956 by adding at the end thereof a new section as follows:

"SEC. 128. Notwithstanding any other provision of law, the Secretary shall, in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, action, or conduct of the producer is not in conformity with the provisions of the program if it is established to the satisfaction of the Secretary that the contract, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

This Department recommends the enactment of this bill.

This bill will provide the Secretary with discretionary authority to alleviate hardship in such cases where the producer acted in good faith to fulfill the terms of an agreement or contract under the acreage reserve or conservation reserve programs and one or more of the conditions enumerated in this bill estopped the producer from receiving compensation.

A survey would be required to develop an accurate estimate of funds required for claims coming under this legislation. However, it is thought that such claims should not exceed \$50,000 annually.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON,  
*Acting Secretary.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

#### AGRICULTURAL ACT OF 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1956".*



## TITLE I—SOIL BANK ACT

SEC. 101. This title may be cited as the "Soil Bank Act".

\* \* \* \* \*

SEC. 128. *Notwithstanding any other provision of law, the Secretary shall, in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, action, or conduct of the producer is not in conformity with the provisions of the program if it is established to the satisfaction of the Secretary that the contract, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary.*



86TH CONGRESS  
1ST SESSION

# H. R. 8043

[Report No. 977]

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1959

Mr. MARSHALL introduced the following bill; which was referred to the Committee on Agriculture

AUGUST 24, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

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## A BILL

To amend the Agricultural Act of 1956.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That title I of the Agricultural Act of 1956 is amended by  
4       adding at the end thereof a new section as follows:

5       “SEC. 128. Notwithstanding any other provision of law,  
6       the Secretary shall, in order to provide fair and equitable  
7       treatment, pay a producer compensation under the acreage  
8       reserve or conservation reserve program which he other-  
9       wise would not be entitled to receive because the contract,  
10      action, or conduct of the producer is not in conformity with  
11      the provisions of the program if it is established to the satis-

1 faction of the Secretary that the contract, action, or con-  
2 duct of the producer was the result of relying in good faith  
3 on the erroneous approval of such contract, action, or con-  
4 duct by, or on the erroneous advice, determination, or compu-  
5 tation of, an authorized representative of the Secretary, *nor*  
6 *shall any contract heretofore or hereafter entered into be*  
7 *modified, invalidated, or changed because of the marriage*  
8 *of any two contracting parties."*



86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 8043**

[Report No. 977]

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# **A BILL**

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To amend the Agricultural Act of 1956.

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By Mr. MARSHALL

---

JUNE 30, 1959

Referred to the Committee on Agriculture

AUGUST 24, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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HIGHLIGHTS: See page 7

### SENATE - August 29

1. EXHIBITS. Received and agreed to the conference report on H. R. 8374, to authorize appropriations for Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 and 1962 (including USDA participation). pp. 15911-2.
2. ADJOURNED until Mon., Aug. 31. p. 15916.

### SENATE - August 31

3. TEMPORARY APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 510, the continuing resolution making temporary appropriations to departments and agencies for September pending the enactment of the remaining regular appropriation bills. This measure will now be sent to the President. pp. 15918, 15969.
4. WOOL; LAMBS. Sen. Mundt expressed concern "over the major crisis facing the sheep and wool industry as it votes in September on the market promotional section of the National Wool Act," which provides deductions on the sales of lamb and wool for the promotion, research, and educational program to encourage the use of wool and lamb, criticized the opposition of the American Farm Bureau Federation to the program, and urged all eligible voters in the referendum to support the program. p. 15925.

5. RECLAMATION. Both Houses agreed to the conference report on S. 994, to authorize Interior to construct, operate, and maintain the Spokane Valley reclamation project, Wash., and Idaho. This bill will now be sent to the President. pp. 15967, 15999.
6. PRICES. Sen. Bush inserted and commended the Aug. 17 report of the Cabinet Committee on Price Stability for Economic Growth, "What Do We Really Want From Our Economy?" discussing policies for promoting economic growth. pp. 15959-62.
7. CIVIL DEFENSE. Sen. Humphrey urged more Federal aid for civil defense, and inserted several articles discussing civil defense preparedness. pp. 15935-8.
8. SURPLUS COMMODITIES; FOREIGN TRADE. The amendments reported Aug. 25 by the Agriculture and Forestry Committee to S. 1748 (to extend Public Law 480), provide as follows: Extend Titles I (sales for foreign currencies) and II (famine relief) for 3 years, until December 31, 1962. Provide an increase of \$4.5 billion in Title I operations for the 3-year period. Provide an increase of \$300 million for Title II operations for 1960. Authorize the grant (in addition to the sale) of OCC surplus commodities under Title I. Expand the activities for which Title I foreign currencies may be used in foreign countries to include medical and scientific research, cultural and educational development, health, nutrition, and sanitation; assistance (up to \$2 million annually) to meet emergency or extraordinary relief requirements other than requirements for surplus food commodities; financing (up to \$5 million annually) the preparation, distribution, and exhibiting of audio-visual informational and educational materials, including Government materials; and financing the services of technicians, advisers, and administrators who are nationals of any friendly country, which may be needed to further economic and social development programs in other friendly countries, provided the use of such currencies is specified in appropriation acts. Authorize the President to make grants of surplus commodities for the establishment of national food reserves in underdeveloped countries. Authorize the carrying out of Public Law 480 functions directly by the President, or through an administrator designated by him who shall administer the functions under the general supervision and direction of the Secretary of Agriculture. Change the title of the Agricultural Trade Development and Assistance Act of 1954 to the Food for Peace Act of 1959.

HOUSE - August 31

9. SOIL BANK. Passed with amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary (pp. 15992-3). Agreed to an amendment by Rep. Marshall to provide that no Soil Bank contract shall be modified, invalidated, or changed because of the marriage of any two contracting parties (pp. 15992-3). (This bill was considered in lieu of a similar bill, H. R. 3043.)

The Agriculture Committee reported with amendment H. R. 8576, to permit the harvesting of hay on conservation reserve acreage in areas suffering from drought, flood, or other natural disaster (H. Rept. 1083). p. 16022.



With the following committee amendment:

Page 2, following line 8, add a new section to read as follows:

"SEC. 3. This Act shall become effective upon agreement by the Fort McDermitt Paiute and Shoshone Tribe of Indians to eliminate from their suit now pending before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), any claim based on alleged inadequate compensation for the lands involved in this Act and to renounce any other claim they may have with respect thereto. If the lands involved herein are not embraced within said suit, the transfer hereby authorized shall be considered by way of offset under section 2 of said Act. Nothing contained in this Act shall be construed as an admission of liability on the part of the United States with respect to these or any other lands."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WHEAT ACREAGE HISTORY

The Clerk called the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOSEVELT. Mr. Speaker, reserving the right to object, I would like to ask a question. I am looking at the report and under "Purpose" it says the purpose of this bill is to correct an equitable situation. If we have to correct equitable situations around here, I would like somebody to explain the purpose of the bill.

Mr. SMITH of Kansas. Mr. Speaker, this bill is an effort to do a little justice on base acreage. A farmer has a certain allotment and if he overplants the allotment he must pay a penalty when he harvests. If he has a storm and does not raise the number of bushels he should, he is penalized too. The man who raises his wheat and markets it does not pay a penalty. It is only the man who by hail storm or some other disaster has less acreage in his base.

Mr. ROOSEVELT. I have such good respect for my friend that I think what he means is "an inequitable" situation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new paragraph (d) between paragraphs (c) and (e) to read as follows:

"(d) For the purposes of paragraphs (a), (b), and (c) of this section, any farm on

which the farm marketing excess is adjusted to zero because of underproduction pursuant to regulations implementing paragraph (12) of section 1340 of title 7 of the United States Code (7 U.S.C. 1340 (12)), shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### THE CROOKED RIVER FEDERAL RECLAMATION PROJECT, OREGON

The Clerk called the bill (H.R. 4952) to amend the act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WEAVER. Mr. Speaker, reserving the right to object, and I do not intend to object, I wonder if the gentleman from Oregon, author of the bill, would take a moment to clear for the record the extenuating circumstances which necessitate the continuing of this project by this legislation without a feasibility report being first submitted to the Congress.

Mr. ULLMAN. Mr. Speaker, this involves an enlargement of the canal on a reclamation project, the Crooked River Federal reclamation project in Oregon, now under construction. This is a matter of great urgency. The reclamation project itself contains some 51,000 acre-feet of water and this involves an extension of the project by an additional 2,900 acres which would receive a portion of this surplus water supply.

I called the Commissioner of Reclamation, Mr. Dominy, this morning in reference to this matter because I knew of its urgency, and I knew that the gentleman would be interested in the feasibility report. Mr. Dominy authorized me to make the following statement:

With respect to H.R. 4952, we have examined the findings of engineering and economic feasibility that will be embodied in the report on the Crooked River extension and have found them completely satisfactory.

The only reason this extension was not incorporated in the original plan was because of the matter of timing. As far as the Bureau is concerned, there remains only the matter of putting the report into final form.

He has assured me that this matter is feasible and they are very anxious that the bill be approved because they have to let contracts within the next few weeks.

Mr. WEAVER. I would like to say to the gentleman I have also talked to the Commissioner of Reclamation, Mr. Floyd Dominy, and he wholeheartedly agrees with the gentleman's statement. I withdraw my reservation, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 1221) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon," approved August 6, 1956 (70 Stat. 1058), is amended by adding to that section the following: "The Secretary of the Interior is hereby authorized to construct extra capacity in the canal below said reservoir and pumping plants located on the canal for the future irrigation of approximately three thousand acres of land, in addition to the presently proposed development, and to recognize the cost of providing such extra capacity as a deferred obligation to be paid under arrangements to be made at such time as the additional area may be brought into the project."

Sec. 2. There are hereby authorized to be appropriated such sums, in addition to the sum of \$6,339,000 authorized to be appropriated for the Crooked River Federal reclamation project in section 5 of the Act of August 6, 1956 (70 Stat. 1058), as may be required to carry out the purposes of this Act.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 4952) was laid on the table.

A motion to reconsider was laid on the table.

#### LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE LANDS

The Clerk called the bill (H.R. 6669) to amend the act of July 14, 1945, to provide that the Louisiana State University and Agricultural and Mechanical College may use certain real property heretofore conveyed to it by the United States for general educational purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the Act entitled "An Act to transfer certain lands situated in Rapides Parish, Louisiana, to board of supervisors of Louisiana State University and Agricultural and Mechanical College", approved July 14, 1945 (59 Stat. 468), is amended by striking out "for the establishment and maintenance of an agricultural and vocational school" and by inserting in lieu thereof the following: "for educational purposes".

Sec. 2. The Secretary of Agriculture shall execute such instruments in writing as may be necessary to carry out the amendments made by the first section of this Act.



With the following committee amendment:

Page 2, line 3, strike out lines 3 through 5 and insert the following:

"SEC. 2. The Secretary of Agriculture is authorized and directed upon written consent of the Louisiana Rural Rehabilitation Corporation, to execute such quitclaim deed or other instruments in writing as may be necessary to carry out the amendment made by the first section of this Act.

"SEC. 3. Public Law 41, 82d Congress, approved May 29, 1931 (65 Stat. 46), which provided for transfer of 25 acres of the subject property to the Police Jury of the Parish of Rapides, is hereby repealed since such transfer was not made because the proposed transferee made other arrangement for holding livestock and agricultural expositions."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### EQUITY UNDER SOIL BANK CONTRACTS

The Clerk called the bill (H.R. 8043) to amend the Agricultural Act of 1956.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2457) to amend the act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands be considered in lieu of H.R. 8043.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

Mr. FORRESTER. Mr. Speaker, reserving the right to object, and I shall not object, I would like to ask my distinguished colleague, the gentleman from Minnesota [Mr. MARSHALL], a few questions, if he would be kind enough to answer them for me.

Mr. MARSHALL. Certainly.

Mr. FORRESTER. First, I want to say to the gentleman that I know he is the author of H.R. 8043, which is the bill that is going to be dispensed with by substituting therefore the Senate bill S. 2457. I want to compliment the gentleman on the bill that he introduced, H.R. 8043, and I want to say to the gentleman that I have looked over the Senate bill here, and so far as I can see the only difference in the House bill that the gentleman introduced is the provision for payment is made mandatory, whereas in the Senate bill the discretion is in the Secretary of Agriculture.

Mr. MARSHALL. Mr. Speaker, if the gentleman will yield, I would like, first, to thank the gentleman for his kind remarks. The Senate bill and the House bill were very similar, as I have stated,

when I asked for unanimous consent that the Senate bill be substituted. It is true that the House bill language was mandatory, but the Senate report relieves any anxiety which anybody might have on that score. So, I am sure, so far as the bills are concerned, that the two bills are comparable and would accomplish exactly the same purpose.

Mr. FORRESTER. As I understand it now, the purpose of the Senate bill is the same as the House bill, H.R. 8043, as is set out in the report which accompanies H.R. 8043, where it is entitled "Purpose of the bill"; is that correct?

Mr. MARSHALL. That is correct.

Mr. FORRESTER. Now, I notice in the report from the Senate committee on the Senate bill there are several instances that they refer to which have already occurred and which they say will be covered by this legislation, if passed. In other words, the bill, by its very nature, to cover those transactions the bill is naturally retroactive.

Mr. MARSHALL. That is correct. It was the purpose of the authors of these two bills, and it was also the purpose of the report from the Department of Agriculture and the report from the Committee on Agriculture, which was unanimous, that they be retroactive.

Mr. FORRESTER. Now I would like to ask the gentleman this question. This question is based upon certain hard facts which have occurred down in the district in Georgia which I have the privilege of representing. It involves two of my constituents, Mr. J. H. Daniel and his son, down in Pulaski County, Ga. Their applications under this program had been approved by the local ASC office; approved by inspectors of the State ASC office, and by the State ASC office and payments authorized to them, and payments were made under the terms of the program. Later they, the Daniels, were advised that they had been paid \$2,929 too much, and a claim for that amount was placed in the county debt register. Now, these two constituents of mine, for many reasons, paid that amount of \$2,929 which was set out in the county debt register. Now, under the terms of this Senate bill, they would be authorized to file their claim with the Secretary and they are not barred by reason of the fact that they have paid that money; is that correct?

Mr. MARSHALL. I am sure that under the purposes of this bill they would not be discriminated against in any way, and were their claims just, under the provisions of this bill, they would be covered by this legislation. The matter referred to may have resulted from the fact that they may have received some misinformation, which undoubtedly is the case.

Mr. FORRESTER. In other words, in the case I just narrated to you, to inquire into such and reimburse if proper, is one of the prime purposes for this legislation.

Mr. MARSHALL. The gentleman is absolutely correct.

Mr. FORRESTER. I withdraw my reservation of objection, Mr. Speaker.

Mr. AVERY. Mr. Speaker, I withdraw my reservation on the substitution,

but I still have a pending objection on the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section:*

"Sec. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—

"(1) not in conformity with the provisions of the program, or

"(2) less favorable to the producer than would have been the case if it had been based on correct information, or

"(3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program, if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

Mr. MARSHALL. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL: At the end of the Senate bill, strike out the quotation marks and add the following:

"No contract heretofore or hereafter entered into shall be modified, invalidated, or changed because of the marriage of any two contracting parties."

Mr. MARSHALL. Mr. Speaker, this is a committee amendment. There is no controversy over it and I recommend that it pass.

(Mr. CARNAHAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CARNAHAN. Mr. Speaker, I rise in support of H.R. 8043 introduced by my colleague the gentleman from Minnesota [Mr. MARSHALL], and I commend him for the work he has done in clearing up a perplexing problem. This bill directs the Secretary of Agriculture to pay producers compensation under the acreage reserve or conservation reserve program which the Secretary has ruled is not permitted under the law. These cases involve contracts made by producers who relied in good faith on erroneous advice of an authorized representative of the Secretary.

I introduced H.R. 8443, a similar bill this Congress and feel strongly that this legislation should be passed. A great number of producers throughout the United States have suffered extreme hardship and will continue to be unfairly treated without this legislation. In one county in the Eighth Congressional District of Missouri, there are more than 20 producers who are being asked by the Department of Agriculture to make refunds as the result of an audit made of



their contracts. Based on this audit the Department of Agriculture ruled that a part of the land the individual producers were permitted to place in the Conservation Reserve was ineligible land.

More than a year after these conservation reserve contracts were signed by the producers and the Department, and the producers had accepted payment in good faith after complying with the terms and conditions of the contracts, the producers were notified that these payments must be refunded because a part of the land was later determined to be ineligible. The farmers in my area rightfully resent this injustice. They are being penalized because of errors made by authorized representatives of the Department of Agriculture. It is only right that these producers should receive fair and equitable treatment for participation in the soil bank program and I urge that H.R. 8043 be passed so that these cases may be equitably settled.

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RANDALL. Mr. Speaker, I want to associate myself with the efforts of the Honorable FRED MARSHALL, of Minnesota, who has had a long and distinguished record of effective efforts to help the American farmer under an intelligent and workable farm program. His efforts today are certainly following this same course when he introduced H.R. 8043 and when on the floor we asked consent to amend by substituting S. 2457, introduced by Hon. STUART SYMINGTON of Missouri. While I am aware of only two or three cases in the Fourth Missouri District which would come in the classification covered by this bill, I feel sure there are many cases throughout the country which would be quickly settled by the permissive provisions of this measure. This bill permits the Secretary of Agriculture to pay compensation under the conservation reserve program where, in good faith, the farmer relied on the erroneous advice of an authorized representative of the Department of Agriculture.

The inequities such as this should not be perpetuated. This bill affords the needed authority and I am glad I can join in with the timely and appropriate efforts of the gentleman from Minnesota and urge passage of a measure whose purpose is fairness for the American farmer.

The SPEAKER pro tempore. The question is on the amendment. The amendment was agreed to.

(Mr. ANDERSEN of Minnesota asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSEN of Minnesota. Mr. Speaker, I will take but a moment of the time of the House for a brief explanation of H.R. 8043 and the companion bill recently approved by the other body. Although this is a relatively minor measure, it is of vital importance to a few farm operators who have been unjustly penalized under the soil bank program.

I should point out that a similar bill which I introduced on the same date as the gentleman from Minnesota [Mr.

MARSHALL] introduced his bill was referred to the U.S. Department of Agriculture and was the subject of an official report from that Department in which its approval was recommended. In substance, what this bill will do is give the Secretary of Agriculture and his authorized representatives the legal right to make necessary economic adjustments in deserving cases.

As the bill and the committee report indicate, this authority is needed in a very few instances in which farm operators, acting in good faith, did something or failed to do something which resulted in their being declared ineligible for payment or otherwise penalized. This bill is intended as much to protect the integrity of the county committees locally administering the farm programs as it is to protect the farmers because it allows adjustments where honest mistakes have been made. If we failed to show such good faith, farmers in the future would have to refer all of their questions to higher authority and the administration of our farm programs would become costly and burdensome in the extreme.

Typical of the adjustments that would be authorized under this bill is the case of a farmer in my district who, acting in good faith and on the advice of an official employee in his county committee office, failed to technically comply with the soil bank regulations. As a result, he was directed to destroy a crop of soybeans and suffered a considerable loss. When this bill becomes law the Department will have the authority to recompense that farmer and others in his unfortunate position for the losses they suffered because of improper or incorrect information given him by representatives of the U.S. Department of Agriculture. In this particular case in my district, it is our intent that the farmer involved be compensated for his soil bank contract and reimbursed for the loss of his soybean crop.

There are only a few of these deserving cases, Mr. Speaker, and equity and justice demand that these wrongs be righted. I know the circumstances in some of these cases, and I urgently recommend approval of this bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if some member of the Committee on Agriculture can explain this bill. I have a number of questions I should like to ask.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield.

Mr. MATTHEWS. I am delighted to do my best to explain this bill. It con-

cerns the agricultural attachés who are attached to our embassies abroad, not a part of the embassies, of course, but responsible to the Department of Agriculture.

At the present time these gentlemen are called back to the Department of Agriculture here in Washington for a period sometimes of a year or two, for reorientation on problems of export, for information that would enable them to do a better job for America, in helping with our agricultural exports.

It has been found during the time that they have been assigned duty here in the Department of Agriculture in the United States, because of civil-service regulations often they have had to be downgraded. Sometimes for a period of a year or two they do a type of work that makes it necessary for them to get a little bit less money. So it was felt that if we passed this bill that would correct the situation. This is what the bill states.

Mr. GROSS. The gentleman says that they might have to take a little less money, that they would be downgraded. As a matter of fact, just listen to the terms of this bill: "be assigned for duty in the continental United States, without regard to the civil service laws and without change in grade, for a period of not more than 4 years."

They would not be downgraded.

I should like to ask the gentleman this question. What are the grades of the people who would be affected by this bill?

Mr. MATTHEWS. I think they go up to about grade 13 or grade 14 which, as the gentleman knows, is a very high grade.

Mr. GROSS. And they could be supergrades; let us be frank about this, they could be supergrades, could they not? They could be grades 16, 17, or 18, is not that right. There is no definition of what constitutes an officer or employee under the terms of this bill. They could be anything; in any grade. What you are doing here is setting aside the civil service law. How this bill got to the gentleman's Agriculture Committee in the first place, I will never know.

Mr. MATTHEWS. I would like to say to the gentleman that ordinarily I think he is 100-percent correct in his viewpoint. I do not always agree with him—

Mr. GROSS. There are others who do not always agree with me.

Mr. MATTHEWS. I want to say that I really do not believe that his viewpoint on this particular matter is exactly my viewpoint and the correct viewpoint, for this reason. There is no intention to upgrade these men.

Mr. GROSS. I did not say there was any intention to upgrade these employees. But you talk about a grade 16 being rotated back to this country. As I understand this bill, he could be put in grade 12 and still be paid the salary of a grade 16; is that correct.

Mr. MATTHEWS. Yes, sir.

Mr. GROSS. Certainly. What happens to the civil service system in this country if all other agencies are given such authority?



Mr. MATTHEWS. I would like to say to the gentleman that here is a man who has a higher grade. We do not want to penalize him.

Mr. GROSS. I am not desirous of penalizing him, not for half a second. But you are doing violence to the civil service system in this country when you start this kind of operation. This bill is not well thought out and I do not propose to take a lot of time of the House to argue it today. The gentleman cannot tell me how many people are going to be brought back and what their grades are going to be or how they will get jobs in this country and whose jobs they will displace. I have no idea how they are going to be reassigned to this country.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MATTHEWS. I know that the gentleman from Iowa is always fair and will give me at least 2 or 3 uninterrupted minutes for me to do the best I can to explain this bill. In the first place I want to assure the gentleman there will be no effort at all to tear down any civil service regulation. The intent is to do a better job for America and for the export of agricultural commodities. These gentlemen are few in number. There are just a few dozen of them. At the present time it is necessary to bring them back to this country for a few months to give them orientation and to give them more information so that they can do a better job. If they hold grade, let us say, 15 as an agricultural attaché, ordinarily in this country they could probably hold the same grade. But sometimes, perhaps for 2 or 3 months or for a year, they would have to downgrade them and the Department of Agriculture did not think it was fair. I know the gentleman will not interrupt me for just 1 more minute, because the gentleman is eminently fair. The Department of Agriculture feels it is not fair to these men to give them a lesser salary for doing the fine job that they are doing. I would like to say I think they are doing a good job. I want to assure the gentleman this will not cost any more money. It has been approved by the Bureau of the Budget. It has been approved by the Civil Service Commission. It has been approved by Mr. Benson in the Department of Agriculture and, please, sir, with all these gentlemen approving any measure I submit, perhaps it does have some pretty good points, let us say, on the conservative side.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ROOSEVELT. May I ask the gentleman, if this is such a good thing why we should not look at the Foreign Service Act itself? Why is this reserved just for Department of Agriculture personnel? Why is it not a perfectly good thing for Department of Commerce personnel also?

Mr. MATTHEWS. If the gentleman will yield, I would like to say to the gentleman that the Department of State has that same privilege.

Mr. ROOSEVELT. How about the Department of Commerce?

Mr. MATTHEWS. I am not sure.

Mr. ROOSEVELT. How about the Department of Labor?

Mr. MATTHEWS. I am not sure about them, but the Department of State certainly has this privilege. The gentleman may recall that the agricultural attachés at one time were attached to the Department of State. All we are asking for is that they just be treated now on the same basis as officials of the Department of State.

Mr. ROOSEVELT. It would seem to me before we start picking favorites around here that we ought to go to the basic act and do a good job, and I will join with the gentleman and I object.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### HUNTLEY RECLAMATION PROJECT, YELLOWSTONE COUNTY, MONT.

The Clerk called the bill (H.R. 8726) to amend the acts approved April 16 and June 27, 1906 (34 Stat. 116 and 519), so as to authorize the Secretary of the Interior to convey certain lands on the Huntley reclamation project, Yellowstone County, Mont., to school district No. 24, Huntley Project Schools, Yellowstone County, Mont.

The Clerk read the title of the bill.

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire as to whether or not the figure of \$115 for which, as I understand it, this property would be transferred, is the fair market value?

Mr. ANDERSON of Montana. The representative of the Department of the Interior who testified before our committee gave that as his opinion, that this was the fair market value of the land involved.

Mr. PELLY. Does the gentleman from Montana think this figure is the fair market value?

Mr. ANDERSON of Montana. Yes; I do. This is what the Government paid for it.

Mr. PELLY. Mr. Speaker, I withdraw my reservation of objection.

Mr. WEAVER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana, since the other body passed a similar bill, what figure was provided in it?

Mr. ANDERSON of Montana. The other body did not provide for any reimbursement at all. The Senate bill provides simply for the ceding of the land. The Bureau of the Budget and the Department indicated it should include a figure and this is the figure that the Department of the Interior recommended be included.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. ASPINALL. It is my purpose to ask for the consideration of the Senate bill and then offer an amendment which

would bring the Senate bill in line with the House bill.

Mr. WEAVER. Mr. Speaker, I withdraw my reservation of objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 53) to amend the acts approved April 16 and July 27, 1906 (34 Stat. 116 and 519), so as to authorize the Secretary of the Interior to convey certain lands on the Huntley reclamation project, Yellowstone County, Mont., to school district No. 24, Huntley Project Schools, Yellowstone County, Mont., be considered in lieu of H.R. 8726.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, do I understand your amendment would have the figure of \$115 or would it be "fair market value"?

Mr. ASPINALL. The amendment would have the figure which the Department suggested was a fair figure, \$115.

Mr. PELLY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions, terms, and conditions of any other Act of Congress, the Secretary of the Interior shall cause to be conveyed without restriction, save as hereinafter set forth, to school district numbered 24, Huntley Project Schools, Yellowstone County, Montana, its successors and assigns, the following described land and premises located and situated in Yellowstone County, Montana: Lot 3 of block 3 of the original townsite of Ballantine, Montana, and block 14 of the original townsite of Pompeys Pillar, Montana, and block 15 of the original townsite of Huntley, Montana, subject to reservation from said land of a right-of-way thereon for ditches and canals constructed by the authority of the United States in accordance with the provisions of the Act of August 30, 1890 (26 Stat. 391), and any and all existing easements on said lands; reserving to the United States, and its assigns, all coal, oil, gas, and other minerals, including, without being limited by enumeration, sand, gravel, stone, clay and similar materials, together with the usual mining rights, powers, and privileges, including the right at any and all times to enter upon said land and use such part of the surface thereof as may be necessary in prospecting for, mining, saving, and removing said minerals and materials, upon payment of damages caused by said surface use to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages.*

SEC. 2. The Secretary of the Interior is hereby authorized and empowered to execute and deliver to school district numbered 24, Huntley Project Schools, Yellowstone County, Montana, any documentary evidence which he may determine to be necessary to carry out the intent of this Act.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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For actions of Sept. 4 and 5, 1959  
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HIGHLIGHTS: Senate debated Public Law 480 bill. House committee reported bill to authorize sale of CCC feed in emergency areas. Senate agreed to conference report on independent offices appropriation bill. Senate concurred in House amendment to bill to provide compensation under Soil Bank to producers for actions based on incorrect information. Senate sustained President's veto of housing bill. Rep. Johnson, Colo., warned of monopoly in dairy industry. House committee reported new public works appropriation bill. Rep. Evins criticized Administration's farm policies.

## SENATE - SEPT. 4

1. FOREIGN TRADE; SURPLUS COMMODITIES. Began debate on S. 1748, to extend Public Law 480 (pp. 16565-6, 16571-6, 16595-621). By a vote of 47 to 38 agreed to a committee amendment to extend titles I and II for 3 years (pp. 16596-600). Agreed to a committee amendment to increase the total authorization under title I to \$4.5 billion for the 3-year period, with not to exceed \$1.5 authorized to be used annually (p. 16600).

Rejected the following amendments:

A committee amendment, 39 to 48, to change the title of the "Agricultural Trade Development and Assistance Act of 1954" to the "Food and Fiber for Peace Act of 1959." pp. 16601-7

A committee amendment, 42 to 46, to authorize the President to grant surplus commodities to foreign countries to establish national food-reserves. pp. 16608-13

By Sen. Humphrey, 41 to 46, to authorize the enrichment and sanitary packaging of cornmeal, grits, white rice, and white flour distributed by this Department to schools and needy persons, and to authorize demonstration food



2. SOIL BANK. Concurred in the House amendment to S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary. The House amendment provides that no Soil Bank contract shall be modified, invalidated, or changed because of the marriage of any two contracting parties. This bill will now be sent to the President. p. 16607
  3. HOUSING. By a vote of 58 to 36, sustained the President's veto of the housing bill for 1959, S. 2539 (a two-thirds majority vote being required to override the President's veto). pp. 16576-86
  4. INDEPENDENT OFFICES APPROPRIATION BILL, 1960. Agreed to the conference report and receded from its amendment (No. 1) to this bill, H. R. 7040, which would have increased to \$25 million, instead of \$10 million (as proposed by the House) the amount for Federal contributions to the States for civil defense purposes on a matching basis. This bill will now be sent to the President. pp. 16586-91
  5. MINERALS. Conferees were appointed on S. 2181, to amend the Mineral Leasing Act of 1920 so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions. House conferees have not been appointed. p. 16598
  6. PERSONNEL. Sen. Johnston submitted a motion, intended to be proposed by him, "that the Senate agree to the amendment of the House, with amendments, to Senate bill 2162, the Federal Employees Health Benefits Act of 1959." p. 16556
  7. APPROPRIATIONS. Both Houses received from the Budget Bureau a report that a Forest Service item for forest protection and utilization had been apportioned on a basis indicating the need for a supplemental authorization for 1960. pp. 16555, 16689
  8. PUBLIC WORKS. Sens. Murray and Mansfield criticized the President's veto of the public works appropriation bill for 1960. pp. 16567-8, 16569-70
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9. FEED; DISASTER RELIEF. The Agriculture Committee reported with amendment S. 2504, to authorize the Secretary to sell at market prices CCC feed for livestock in emergency areas (H. Rept. 1149). p. 16689
  10. PUBLIC WORKS. The Appropriations Committee reported without amendment H. R. 9105, the new public works appropriation bill for 1960 (H. Rept. 1152). p. 16689  
Rep. Thomson, Wyo., termed the President's veto of the original public works appropriation bill "unfortunate" and "ill considered," and he and others discussed the issues and projects involved in the bill. pp. 16676-83
  11. MONOPOLIES; DAIRY INDUSTRY. Rep. Johnson, Colo., warned of vertical integration in the dairy industry. He stated that such a situation already exists in the livestock industry in his district and that under vertical integration a national chain will determine what price it will pay the milk producer and if the producer asks a higher price, the chain will expand its operations to milk producing as well as distribution. Once the competition is eliminated, the chain is able to set prices at will, he stated. pp. 16683-6
  12. INTEREST RATES. Passed, 378 to 7, without amendment H. R. 9035, to permit the issuance of series E and H United States savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or



The result was announced—yeas 39, nays 48, as follows:

## YEAS—39

Alken	Hill	Moss
Anderson	Humphrey	Mundt
Bartlett	Jackson	Muskie
Capehart	Javits	Neuberger
Carlson	Johnson, Tex.	Proxmire
Carroll	Kefauver	Randolph
Clark	Long, Hawaii	Sparkman
Dodd	McCarthy	Symington
Douglas	McNamara	Wiley
Engle	Magnuson	Williams, N.J.
Gore	Mansfield	Yarborough
Gruening	Mohroney	Young, N. Dak.
Hart	Morse	Young, Ohio

## NAYS—48

Allott	Ervin	Long, La.
Beall	Fong	McClellan
Bennett	Frear	Martha
Bible	Goldwater	Morton
Bridges	Green	Pastore
Butler	Hayden	Prouty
Byrd, Va.	Hickenlooper	Robertson
Byrd, W. Va.	Holland	Russell
Cannon	Hruska	Saltonstall
Case, N.J.	Johnston, S.C.	Schoeppel
Cooper	Jordan	Scott
Cotton	Keating	Smith
Curtis	Kerr	Stennis
Dworshak	Kuchel	Talmadge
Eastland	Langer	Thurmond
Ellender	Lausche	Williams, Del.

## NOT VOTING—13

Bush	Fulbright	Murray
Case, S. Dak.	Hartke	O'Mahoney
Chavez	Hennings	Smathers
Church	Kennedy	
Dirksen	McGee	

So the committee amendment, as modified, was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment, as modified, was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President—  
The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Missouri [Mr. SYMINGTON].

#### EQUITABLE TREATMENT FOR PRODUCERS PARTICIPATING IN SOIL BANK PROGRAM

Mr. SYMINGTON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 2457.

The PRESIDING OFFICER (Mr. CANNON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2457) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government, which was, on page 2, line 14, strike out "Secretary." and insert "Secretary. No contract heretofore or hereafter entered into shall be modified, invalidated, or changed because of the marriage of any two contracting parties."

Mr. SYMINGTON. Mr. President, the Senate passed Senate bill 2457, to provide equitable treatment for producers participating in the soil bank program, on the basis of incorrect information furnished by the Government.

The House has also passed Senate bill 2457, with a minor amendment which is

simply the addition of the following language:

No contract heretofore or hereafter entered into shall be modified, invalidated, or changed because of the marriage of any two contracting parties.

This amendment is acceptable to the chairman of the committee, as well as to me.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion is agreed to.

#### EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

The Senate resumed the consideration of the bill (S. 1748) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

Mr. SPARKMAN. Mr. President—  
Mr. HUMPHREY. Mr. President, I yield to the Senator from Alabama such time as he may require.

The PRESIDING OFFICER. (Mr. CANNON in the chair). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I rise to pay tribute to the distinguished senior Senator from Louisiana [Mr. ELLENDER], the chairman of the Agriculture Committee, and to his committee colleagues, for what I regard as a signal service to American agriculture and a great segment of American business, by means of the fresh emphasis which the committee, in its report accompanying Senate bill 1748, has given to the stimulation and development of new foreign markets for American agricultural products under Public Law 480, known as the Agricultural Trade Development and Assistance Act of 1954.

I am vitally interested in the development and expansion of markets abroad for every type of product of the farms of America and in the welfare of the business establishments which process these farm products.

I am sure that each of us is encouraged by the contribution that has been made by the operation of Public Law 480 to the development and expansion of foreign markets for American farm products. What has been accomplished is indicative of what can ultimately be achieved if the agencies administering the program will steadfastly observe the high priority for trade development which the Agriculture Committee has called for in its report on the bill before us today.

So that there may be no misunderstanding about what the committee intends concerning the future operation of the Public Law 480 program, let me record here certain language from the committee report. The report states:

The Agricultural Trade Development and Assistance Act of 1954, as amended, declared trade expansion as the policy of Congress. A stated objective of this policy was to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States.

Section 104(a) was listed as the first currency use to help develop new markets for U.S. agricultural commodities on a mutually benefiting basis.

This was no accident. It was and is the intention of Congress that foreign currencies be used to the maximum extent possible for agricultural market development and that first priority be given this use.

This committee is concerned by reports that funds are inadequate for continuation and expansion of section 104(a) market promotional work abroad. \* \* \* To insure that sufficient funds are available for section 104(a) market promotional activities, this committee recommends:

1. The use of foreign currencies for section 104(a) should be given priority over other nonreimbursable U.S. uses. The committee in approving the enactment of new currency uses, did not contemplate that this would result in a reduction of currencies available for section 104(a).

2. The Secretary of Agriculture should determine the level of funds needed for section 104(a) before foreign currencies are made available for other nonreimbursable U.S. uses authorized in the law.

3. The committee commends the Department for negotiating convertibility to non-dollar currencies in title I sales agreements. However, the amount of conversion included in such agreements should be increased to permit greater market promotion looking toward the creation of permanent dollar markets in commercial market areas. Further, the inclusion of convertibility for section 104(a) should be a condition for the approval of future title I sales agreements.

The committee report recites much of our experience under Public Law 480 in developing new outlets for a number of agricultural commodities, including poultry.

Every Senator knows that the poultry industry is today in a singular crisis. The industry itself, through the instrumentality of the International Trade Development Committee representing the entire poultry industry, is redoubling its efforts to develop and expand foreign markets which are so desperately needed.

The poultry industry looks upon the Agricultural Trade Development and Assistance Act as an effective means for helping to realize the foreign market potential of American poultry and poultry products.

The importance of the poultry industry to our national economy cannot be over-emphasized. We are aware that poultry constitutes the third largest producer of farm income in America. It is the principal use of feedstuffs, using 65 to 75 percent of all commercial feedstuffs. Poultry are produced in almost every State in the Union. In my own State of Alabama, poultry constitute the second largest producer of cash income to farmers.

The poultry industry is not strictly agricultural. It is both agricultural and industrial. In a very real sense, those engaged in it are farmer-businessmen. As such, they are entitled to the full support of the committees of Congress and the agencies of government which are primarily concerned with the welfare of businessmen. That is why the Senate Small Business Committee, of which I serve as chairman, has made the serious and complex problems of the poultry industry a major concern of the



committee. That is why our committee has joined hands with our Agriculture Committee in attempting to alleviate the problems of the farmer-businessmen in the poultry industry.

Senators will recall that the Agricultural Trade Development and Assistance Act of 1954 has two basic primary objectives. The first is to facilitate the disposal of surplus agricultural commodities. The second is to attempt to return some permanent benefit to U.S. agriculture, in the form of new and expanded markets. As the committees of Congress have heretofore consistently pointed out, the development of foreign markets is considered to be among the most important permanent benefits to be realized from Public Law 480. Notwithstanding the provisions of the act and the clear intent of Congress, as expressed in prior committee reports, the Agriculture Committee and the Small Business Committee still do not believe that sufficient emphasis is given to, or sufficient foreign currencies are being made available for, this primary objective of the act. If American agriculture is to achieve the benefits contemplated, it is essential that a greater percentage of the local currencies generated be made available for carrying out market development programs; and every effort should be made to broaden the opportunities for carrying out these activities.

The Agriculture Committee in its report reviewed some of the types of market development and promotion activities which are being carried out under Public Law 480 and some of the results which have been accomplished to date.

The fact that wholly new markets can be developed for U.S. agricultural commodities, through the use of the authority provided under Public Law 480, is perhaps best illustrated by referring to what has been accomplished, in respect to poultry, in a relatively short time in Western Germany. Western Germany is today the world's largest importer of poultry and poultry products. Prior to Public Law 480, no poultry had been imported by Germany from the United States. No taste or demand for our superior type of products had been created; and there were also barriers, in the form of license and exchange controls, which stood in the way of trade.

As a result of programs initiated under Public Law 480, these barriers, although not completely removed, have been modified; and a substantial quantity of U.S. poultry is currently being sold, through private trade, to German importers, for dollars. With the promotion activities being carried out under Public Law 480, U.S. poultry is gaining wide acceptance by German consumers. This represents an entirely new market for U.S. poultry.

Let me again remind the Senate that today poultry is in heavy surplus supply, and the prices are greatly depressed. Every housewife knows this. The price of broilers this year hit the lowest level on record. Egg prices fell to the lowest level in 18 years. Yet the quality of these products has never been higher. Public Law 480 has not been used to the extent it should have, for poultry.

Since the beginning of Public Law 480, only very small quantities have been programed or made available for sale under this act, notwithstanding the fact that the act and the reports of the committees make it clear that these items are just as eligible as any other.

We know how hard Members of Congress had to work to get the Department to program fruits. I want to make it clear that I, both individually and as chairman of the Senate Small Business Committee, feel that Congress cannot tolerate any further unfair treatment of poultry. I am well aware that the Members from other poultry-producing areas are also deeply concerned.

The Agriculture Committee has wisely recommended that larger amounts of foreign currencies thus generated be made available over longer periods of time, in order that effective market-development work of this type may be expanded by the various recognized trade groups carrying out these market-development programs in cooperation with the Foreign Agricultural Service.

We have the opportunity, under the Public Law 480 program, to help relieve the present critical situation confronting the poultry industry, and at the same time to introduce these high-quality products into entirely new market areas, which eventually can become new and permanent markets. Congress must exercise the necessary legislative oversight to see that poultry is given equal treatment with other commodities under this extended authority.

Again let me commend the members of the Agriculture Committee and its distinguished chairman on a farsighted and constructive step.

Mr. President, I thank the Senator from Minnesota for yielding to me.

Mr. HUMPHREY. Mr. President, I call up amendments on page 2 of the committee amendment—and I pronounce the words "committee amendment" with some emphasis, because it is rather unusual to find the committee amendments being opposed by the committee. But I call up these committee amendments, which have been approved by two committees—namely, paragraph (5), on page 2; and paragraph (10), on page 4. Both of them concern the national food reserves, and both of them should be considered together.

Therefore, Mr. President, I ask unanimous consent that those two paragraphs may be considered together, because they are relevant and germane to the substance of the national food reserves provisions.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, now that that request has been granted, I call up the amendment, which relates to the national food reserves.

Mr. President, this is the committee amendment. I voted for it, but it is the committee amendment. May I add, this time—if it will make any impression on anyone—that this is the administration's proposal. I suppose it is rather unusual to have a member of the so-called opposition party offer amend-

ments sponsored by the administration. Certainly no Member should have any reluctance in supporting this administration proposal if he supports the administration.

So I shall address my remarks to the Members on this side of the aisle who occasionally support the administration; and in that connection I emphasize the word "occasionally."

This amendment provides that a policy which our Government adopted some years ago in the United Nations, in the form of a resolution, be now implemented. Section 110 of the committee amendment states its purpose as clearly as could be stated in any language. It reads as follows:

SEC. 110. In order to implement the resolution adopted by the United Nations on February 20, 1957 (United Nations Resolution 1025 [XI]), which was sponsored by the United States, calling for international co-operation in the establishment of national food reserves, surplus agricultural commodities may be made available by the President on a grant basis for such reserve purposes pursuant to an agreement with the recipient country requiring that payment shall be made when such commodities are withdrawn from the reserve: *Provided*, That no payment shall be required for any quantities of such commodities which are used by agreement of the President and the government of the recipient country for purposes provided for in section 201 of this Act.

Section 201 is the section of the act to relieve famine.

Mr. President, I submit the amendment on behalf of the Senate Committee on Foreign Relations, the Senate Committee on Agriculture and Forestry, the President of the United States, the Secretary of Agriculture, and, I trust, a substantial majority of the Members of this body.

Mr. AIKEN. Mr. President, will the Senator from Minnesota yield several minutes to me?

Mr. HUMPHREY. I am happy to yield to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, this amendment, which includes items (5) and (10) of the committee amendment, was proposed by the administration. It authorizes the storing of surplus foods—primarily grain—in foreign countries, to be paid for if they are withdrawn and used by those countries for other than famine or emergency relief.

I do not know that there is much more to be said about the amendment.

I believe that perhaps one of the purposes of the amendment is not only to have the food available for the control of hunger and near famine, but also to hold down inflation, in that if the food were stored in and were available in some of these countries, it would have the effect of holding down inflation in these countries, and also would result in decreasing storage costs. The Senator from North Dakota [Mr. Young] just now reminded me that the latter is one purpose.

Mr. President, I hope the amendment will be agreed to.







Public Law 86-265  
86th Congress, S. 2457  
September 14, 1959

AN ACT

73 STAT. 552.

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Soil Bank Act is amended by adding at the end thereof the following new section:

"SEC. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—

"(1) not in conformity with the provisions of the program, or

"(2) less favorable to the producer than would have been the case if it had been based on correct information, or

"(3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary. No contract heretofore or hereafter entered into shall be modified, invalidated, or changed because of the marriage of any two contracting parties."

Approved September 14, 1959.

Soil bank  
program.  
Fair treatment for  
producers.  
70 Stat. 188.  
7 USC 1801 note.



